



Water & Natural Resources Committee

**February 22, 2006
1:30 p.m.—3:30 p.m.
Reed Hall**

ACTION PACKET

COMMITTEE MEETING REPORT
Water & Natural Resources Committee

2/22/2006 1:30:00PM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Donna Clarke (Chair)	X		
Thad Altman	X		
Dean Cannon			X
Charles Dean	X		
Ron Greenstein	X		
Charlie Justice			X
Kenneth Littlefield	X		
Richard Machek	X		
Pat Patterson			X
John Seiler	X		
Trudi Williams	X		
Totals:	8	0	3

Committee meeting was reported out: Wednesday, February 22, 2006 4:47:00PM

COMMITTEE MEETING REPORT
Water & Natural Resources Committee

2/22/2006 1:30:00PM

Location: Reed Hall (102 HOB)

HB 471 : Hunter Safety

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Dean Cannon	X				
Charles Dean			X		
Ron Greenstein	X				
Charlie Justice			X		
Kenneth Littlefield	X				
Richard Machek	X				
Pat Patterson			X		
John Seiler	X				
Trudi Williams				X	
Donna Clarke (Chair)	X				
Total Yeas: 7		Total Nays: 0			

HB 471 Amendments

Amendment Sub 1

☒ Adopted Without Objection

Appearances:

HB 471

Lane Stephens (General Public) - Proponent
Allied Sportsmen's Associations of Florida
501 E Tennessee Street
Tallahassee FL 32301
Phone: 850-513-0004

HB 471

Jackie Fauls (Lobbyist) (State Employee) - Proponent
Fish and Wildlife Conservation Commission
620 S. Meridian Street
Tallahassee FL 32399
Phone: 850-487-3795

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COMMITTEE MEETING REPORT
Water & Natural Resources Committee

2/22/2006 1:30:00PM

Location: Reed Hall (102 HOB)

Other Business Appearance:

Everglades/Lake Okeechobee

Ernie Barnett (Lobbyist) (State Employee) (At Request Of Chair) - Information Only

South Florida Water Management District

3301 Gun Club Road

West Palm Beach FL 33406

Phone: 561-951-2840

Lake Okeechobee

Chuck Aller (Lobbyist) (State Employee) - Information Only

Department of Agriculture and Consumer Services (DACS)

The Capitol (PL-10)

Tallahassee FL 32399-0810

Phone: 850-410-6732

Oceans & Coastal Resources Council

Stephanie Bailenson (State Employee) (At Request Of Chair) - Information Only

Office of Coastal & Aquatic Managed Areas

3900 Commonwealth Boulevard

Tallahassee FL 32399

Phone: 850-245-2094

Oceans & Coastal Resources Council

Jerry Sansom (Lobbyist) - Information Only

Oceans & Coastal Resources Council

PO Box 98

Cocoa FL 32923

Phone: 321-777-8130

Committee meeting was reported out: Wednesday, February 22, 2006 4:47:00PM

COMMITTEE MEETING REPORT
Water & Natural Resources Committee

2/22/2006 1:30:00PM

Location: Reed Hall (102 HOB)

Summary:

Water & Natural Resources Committee

Wednesday February 22, 2006 01:30 pm

HB 471 Favorable With Committee Substitute

Yeas: 7 Nays: 0

Amendment Sub 1 Adopted Without Objection

Committee meeting was reported out: Wednesday, February 22, 2006 4:47:00PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0471

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

*Superseded by
Sub Am 9*

1 Council/Committee hearing bill: Water & Natural Resources
2 Committee

3 Representative Troutman offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (5) through (28) of section 370.01,
8 Florida Statutes, are renumbered as subsections (6) through
9 (29), respectively, and a new subsection (5) is added to that
10 section to read:

11 370.01 Definitions.--In construing these statutes, where
12 the context does not clearly indicate otherwise, the word,
13 phrase, or term:

14 (5) "Commercial harvest" means the taking or harvest of
15 marine fish while operating under a permit, license, or
16 authorization issued pursuant to this chapter; while operating
17 in a manner consistent with such a permit, license, or
18 authorization while such permit, license, or authorization is
19 suspended or revoked; or in quantities sufficient to suggest
20 intent to sell.

21 Section 2. Present subsections (1) through (4) of section
22 370.021, Florida Statutes, are renumbered as subsections (2)

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23 through (5), respectively, and amended, present subsections (5)
24 through (12) are renumbered as subsections (6) through (13),
25 respectively, and a new subsection (1) is added to that section,
26 to read:

27 370.021 Administration; rules, publications, records;
28 penalties; injunctions.--

29 (1) APPLICATION OF PENALTIES.--The penalties in this
30 section apply when the commission of a violation is related to
31 commercial harvest; when the commission of a violation is
32 related to commercial harvest, the penalties in s. 372.83 do not
33 apply.

34 (2)(1) BASE PENALTIES.--Unless otherwise provided by law,
35 any person, firm, or corporation who violates is convicted for
36 violating any provision of this chapter, or any rule of the Fish
37 and Wildlife Conservation Commission relating to the
38 conservation of marine resources, shall be punished:

39 (a) Upon a first conviction, by imprisonment for a period
40 of not more than 60 days or by a fine of not less than \$100 nor
41 more than \$500, or by both such fine and imprisonment.

42 (b) On a second or subsequent conviction within 12 months,
43 by imprisonment for not more than 6 months or by a fine of not
44 less than \$250 nor more than \$1,000, or by both such fine and
45 imprisonment.

46
47 Upon final disposition of any alleged offense for which a
48 citation for any violation of this chapter or the rules of the
49 commission has been issued, the court shall, within 10 days,
50 certify the disposition to the commission.

51 (3)(2) MAJOR VIOLATIONS.--In addition to the penalties
52 provided in paragraphs (2)(1)(a) and (b), the court shall assess

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53 additional penalties against any person, firm, or corporation
54 convicted of major violations as follows:

55 (a) For a violation involving more than 100 illegal blue
56 crabs, crawfish, or stone crabs, an additional penalty of \$10
57 for each illegal blue crab, crawfish, stone crab, or part
58 thereof.

59 (b) For a violation involving the taking or harvesting of
60 shrimp from a nursery or other prohibited area, or any two
61 violations within a 12-month period involving shrimping gear,
62 minimum size (count), or season, an additional penalty of \$10
63 for each pound of illegal shrimp or part thereof.

64 (c) For a violation involving the taking or harvesting of
65 oysters from nonapproved areas or the taking or possession of
66 unculled oysters, an additional penalty of \$10 for each bushel
67 of illegal oysters.

68 (d) For a violation involving the taking or harvesting of
69 clams from nonapproved areas, an additional penalty of \$100 for
70 each 500 count bag of illegal clams.

71 (e) For a violation involving the taking, harvesting, or
72 possession of any of the following species, which are
73 endangered, threatened, or of special concern:

- 74 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 75 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 76 3. Common snook (*Centropomus undecimalis*);
- 77 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 78 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 79 6. Leatherback turtle (*Dermochelys coriacea*);
- 80 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
81 *imbricata*);
- 82 8. Atlantic ridley turtle (*Lepidochelys kempi*); or
- 83 9. West Indian manatee (*Trichechus manatus latirostris*),

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84
85 an additional penalty of \$100 for each unit of marine life or
86 part thereof.

87 (f) For a second or subsequent conviction within 24 months
88 for any violation of the same law or rule involving the taking
89 or harvesting of more than 100 pounds of any finfish, an
90 additional penalty of \$5 for each pound of illegal finfish.

91 (g) For any violation involving the taking, harvesting, or
92 possession of more than 1,000 pounds of any illegal finfish, an
93 additional penalty equivalent to the wholesale value of the
94 illegal finfish.

95 (h) Permits issued to any person, firm, or corporation by
96 the commission to take or harvest saltwater products, or any
97 license issued pursuant to s. 370.06 or s. 370.07 may be
98 suspended or revoked by the commission, pursuant to the
99 provisions and procedures of s. 120.60, for any major violation
100 prescribed in this subsection:

101 1. Upon a first conviction, for up to 30 calendar days.

102 2. Upon a second conviction which occurs within 12 months
103 after a prior violation, for up to 90 calendar days.

104 3. Upon a third conviction which occurs within 24 months
105 after a prior conviction, for up to 180 calendar days.

106 4. Upon a fourth conviction which occurs within 36 months
107 after a prior conviction, for a period of 6 months to 3 years.

108 (i) Upon the arrest and conviction for a major violation
109 involving stone crabs, the licenseholder must show just cause
110 why his or her license should not be suspended or revoked. For
111 the purposes of this paragraph, a "major violation" means a
112 major violation as prescribed for illegal stone crabs; any
113 single violation involving possession of more than 25 stone
114 crabs during the closed season or possession of 25 or more

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115 whole-bodied or egg-bearing stone crabs; any violation for trap
116 molestation, trap robbing, or pulling traps at night; or any
117 combination of violations in any 3-consecutive-year period
118 wherein more than 75 illegal stone crabs in the aggregate are
119 involved.

120 (j) Upon the arrest and conviction for a major violation
121 involving crawfish, the licenseholder must show just cause why
122 his or her license should not be suspended or revoked. For the
123 purposes of this paragraph, a "major violation" means a major
124 violation as prescribed for illegal crawfish; any single
125 violation involving possession of more than 25 crawfish during
126 the closed season or possession of more than 25 wrung crawfish
127 tails or more than 25 egg-bearing or stripped crawfish; any
128 violation for trap molestation, trap robbing, or pulling traps
129 at night; or any combination of violations in any 3-consecutive-
130 year period wherein more than 75 illegal crawfish in the
131 aggregate are involved.

132 (k) Upon the arrest and conviction for a major violation
133 involving blue crabs, the licenseholder shall show just cause
134 why his or her saltwater products license should not be
135 suspended or revoked. This paragraph shall not apply to an
136 individual fishing with no more than five traps. For the
137 purposes of this paragraph, a "major violation" means a major
138 violation as prescribed for illegal blue crabs, any single
139 violation wherein 50 or more illegal blue crabs are involved;
140 any violation for trap molestation, trap robbing, or pulling
141 traps at night; or any combination of violations in any 3-
142 consecutive-year period wherein more than 100 illegal blue crabs
143 in the aggregate are involved.

144 (l) Upon the conviction for a major violation involving
145 finfish, the licenseholder must show just cause why his or her

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146 saltwater products license should not be suspended or revoked.
147 For the purposes of this paragraph, a major violation is
148 prescribed for the taking and harvesting of illegal finfish, any
149 single violation involving the possession of more than 100
150 pounds of illegal finfish, or any combination of violations in
151 any 3-consecutive-year period wherein more than 200 pounds of
152 illegal finfish in the aggregate are involved.

153 (m) For a violation involving the taking or harvesting of
154 any marine life species, as those species are defined by rule of
155 the commission, the harvest of which is prohibited, or the
156 taking or harvesting of such a species out of season, or with an
157 illegal gear or chemical, or any violation involving the
158 possession of 25 or more individual specimens of marine life
159 species, or any combination of violations in any 3-year period
160 involving more than 70 such specimens in the aggregate, the
161 suspension or revocation of the licenseholder's marine life
162 endorsement as provided in paragraph (h).

163
164 Notwithstanding the provisions of s. 948.01, no court may
165 suspend, defer, or withhold adjudication of guilt or imposition
166 of sentence for any major violation prescribed in this
167 subsection. The proceeds from the penalties assessed pursuant to
168 this subsection shall be deposited into the Marine Resources
169 Conservation Trust Fund to be used for marine fisheries research
170 or into the commission's Federal Law Enforcement Trust Fund as
171 provided in s. 372.107, as applicable.

172 (4)~~(3)~~ PENALTIES FOR USE OF ILLEGAL NETS.--

173 (a) It is a major violation pursuant to this section,
174 punishable as provided in paragraph (b) for any person, firm, or
175 corporation to be simultaneously in possession of any species of
176 mullet in excess of the recreational daily bag limit and any

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gill or other entangling net as defined in s. 16(c), Art. X of the State Constitution. Simultaneous possession under this provision shall include possession of mullet and gill or other entangling nets on separate vessels or vehicles where such vessels or vehicles are operated in coordination with one another including vessels towed behind a main vessel. This subsection does not prohibit a resident of this state from transporting on land, from Alabama to this state, a commercial quantity of mullet together with a gill net if:

1. The person possesses a valid commercial fishing license that is issued by the State of Alabama and that allows the person to use a gill net to legally harvest mullet in commercial quantities from Alabama waters.

2. The person possesses a trip ticket issued in Alabama and filled out to match the quantity of mullet being transported, and the person is able to present such trip ticket immediately upon entering this state.

3. The mullet are to be sold to a wholesale saltwater products dealer located in Escambia County or Santa Rosa County, which dealer also possesses a valid seafood dealer's license issued by the State of Alabama. The dealer's name must be clearly indicated on the trip ticket.

4. The mullet being transported are totally removed from any net also being transported.

(b)1. A flagrant violation of any rule or statute which implements s. 16(b), Art. X of the State Constitution shall be considered a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this paragraph, a flagrant violation shall be the illegal possession or use of a monofilament net or a net with a mesh area larger than 2,000

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square feet. A violation means any judicial disposition other than acquittal or dismissal.

2. In addition to being subject to the other penalties provided in this chapter, any violation of s. 16(b), Art. X of the State Constitution, or any statute or rule of the commission which implements the gear prohibitions and restrictions specified therein shall be considered a major violation; and any person, firm, or corporation receiving any judicial disposition other than acquittal or dismissal of such violation shall be subject to the following additional penalties:

a. For a first major violation within a 7-year period, a civil penalty of \$2,500 and suspension of all saltwater products license privileges for 90 calendar days following final disposition shall be imposed.

b. For a second major violation under this subparagraph charged within 7 years of a previous judicial disposition, which results in a second judicial disposition other than acquittal or dismissal, a civil penalty of \$5,000 and suspension of all saltwater products license privileges for 12 months shall be imposed.

c. For a third or subsequent major violation under this subparagraph, charged within a 7-year period, resulting in a third or subsequent judicial disposition other than acquittal or dismissal, a civil penalty of \$5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation shall be imposed.

d. For a first flagrant violation under this subparagraph, a civil penalty of \$5,000 and a suspension of all saltwater license privileges for 12 months shall be imposed. For a second or subsequent flagrant violation under this subparagraph, a civil penalty of \$5,000, a lifetime revocation of the saltwater

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products license, and the forfeiture of all gear and equipment used in the violation shall be imposed.

A court may suspend, defer, or withhold adjudication of guilt or imposition of sentence only for any first violation of s. 16, Art. X of the State Constitution, or any rule or statute implementing its restrictions, determined by a court only after consideration of competent evidence of mitigating circumstances to be a nonflagrant or minor violation of those restrictions upon the use of nets. Any violation of s. 16, Art. X of the State Constitution, or any rule or statute implementing its restrictions, occurring within a 7-year period commencing upon the conclusion of any judicial proceeding resulting in any outcome other than acquittal shall be punished as a second, third, or subsequent violation accordingly.

(c) During the period of suspension or revocation of saltwater license privileges under this subsection, the licensee shall not participate in the taking or harvesting, or attempt the taking or harvesting, of saltwater products from any vessel within the waters of the state; be aboard any vessel on which a commercial quantity of saltwater products is possessed through an activity requiring a license pursuant to this section; or engage in any other activity requiring a license, permit, or certificate issued pursuant to this chapter. Any person who is convicted of violating this paragraph:

1. Upon a first or second conviction, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Upon a third or subsequent conviction, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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(d) Upon reinstatement of saltwater license privileges suspended pursuant to a violation of this subsection, a licensee owning or operating a vessel containing or otherwise transporting in or on Florida waters any gill net or other entangling net, or containing or otherwise transporting in nearshore and inshore Florida waters any net containing more than 500 square feet of mesh area shall remain restricted for a period of 12 months following reinstatement, to operating under the following conditions:

1. Vessels subject to this reinstatement period shall be restricted to the corridors established by commission rule.

2. A violation of the reinstatement period provisions shall be punishable pursuant to paragraphs (2)~~(1)~~(a) and (b).

(5)~~(4)~~ ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING CERTAIN FINFISH.--It is a major violation pursuant to this section, punishable as provided in paragraph (4)~~(3)~~(b), for any person to be in possession of any species of trout, snook, or redfish which is three fish in excess of the recreational or commercial daily bag limit.

Section 3. Paragraph (d) of subsection (5) of section 370.061, Florida Statutes, is amended to read:

370.061 Confiscation, seizure, and forfeiture of property and products.--

(5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS; PROCEDURE.--

(d) For purposes of confiscation under this subsection, the term "saltwater products" has the meaning set out in s. 370.01(27)~~(26)~~, except that the term does not include saltwater products harvested under the authority of a recreational license unless the amount of such harvested products exceeds three times

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the applicable recreational bag limit for trout, snook, or
redfish.

Section 4. Section 372.825, Florida Statutes, is created
to read:

372.825 Captive wildlife penalties.--

(1) A person who violates any commission rules or orders
for the non-fee permit for the possession of captive wildlife
for personal use and related reporting requirements commits a
noncriminal infraction.

(2) Any person cited for committing a violation of this
section shall be cited to appear before the county court. The
civil penalty is \$50.

(3) A person commits a misdemeanor of the second degree,
punishable as provided in s. 775.082 or s. 775.083, for any
violation of the following:

(a) Commission rules or orders that require a person to
pay a fee to obtain a permit to possess captive wildlife or that
require the maintenance of records relating to captive wildlife.

(b) Commission rules or orders relating to captive
wildlife not specified in paragraph (a).

(c) Provisions of s. 372.86, relating to possessing or
exhibiting certain reptiles.

(d) Provisions of s. 372.87, relating to licensing of
certain reptiles.

(e) Provisions of s. 372.88, relating to bonding
requirements.

(f) Provisions of s. 372.89, relating to housing
requirements.

(g) Provisions of s. 372.90, relating to transportation.

(h) Provisions of s. 372.901, relating to inspection.

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(i) Provisions of s. 372.91, relating to limitation of access to certain reptiles.

(j) Provisions of s. 372.912, relating to certain reptile hunts.

(k) Provisions of s. 372.921, relating to exhibition or sale of wildlife.

(l) Provisions of s. 372.922, relating to personal possession of wildlife.

Section 5. Subsection (8) of section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.--

(8) A person who violates this section shall be cited for a level 1 violation as classified in s. 372.83 ~~noncriminal~~ ~~infraction~~, punishable as provided in that section s. 372.711.

Section 6. Section 372.83, Florida Statutes, is amended to read:

372.83 Recreational ~~Noncriminal infractions; criminal~~ penalties; suspension and revocation of licenses and permits.--

(1) LEVEL 1 VIOLATIONS.--

(a) Unless otherwise provided by law, a person convicted of an offense classified as a level 1 violation is guilty of a noncriminal infraction, which is punishable as provided in this subsection and includes violation of the following:

1. Commission rules or orders relating to the filing of required reports or other documents for licensees or permitholders, excluding those related to commercial harvest of saltwater fish or possession of captive wildlife.

2. Commission rules or orders relating to quota hunting permits, daily use permits, hunting zone assignments, check stations, possession of alcoholic beverages, campsite use, and

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the operation of vehicles within wildlife management areas or other areas managed by the commission.

3. Commission rules or orders relating to daily permits, possession of alcoholic beverages, possession of firearms, swimming activities, the operation of watercraft, and the operation of vehicles within fish management areas or other areas managed by the commission.

4. Commission rules or orders regulating vessel size or specifying motor restrictions on specified water bodies.

5. Provisions of s. 370.063, relating to special recreational crawfish licenses.

6. Provisions of s. 372.57, relating to hunting, fishing, and trapping licenses.

7. Provisions of s. 372.5717, relating to hunter safety certification.

8. Provisions of s. 372.988, relating to required clothing for persons hunting deer.

(b) Citations issued for any violation specified in paragraph (a) shall include a requirement for appearance before the county court.

(c)1. The civil penalty for any noncriminal level 1 violation of the license and permit requirements of s. 372.57 is \$50 for the first conviction and \$250 for each subsequent conviction in addition to the cost of the required license and permit.

2. The civil penalty for any other noncriminal level 1 violation is \$50 for the first conviction and \$250 for each subsequent conviction, except as otherwise provided in this subsection.

(d) Any person issued a citation for a violation specified in this subsection may:

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390 1. Post a bond equal to the amount of the civil penalty
391 and appear before the court; or

392 2. Pay the civil penalty by mail or in person within 30
393 days after the date of receiving the citation, or if a bond has
394 been posted, forfeit the bond for payment by failure to appear
395 before the court.

396
397 Payment of the civil penalty without appearing before the court
398 is considered an admission of guilt and waives any further right
399 to a hearing on the violation for which the citation was issued.
400 Such admission shall not be used as evidence in any other
401 proceedings except to determine the appropriate fine for any
402 subsequent violations.

403 (e)1. Any person who willfully refuses the issuance of a
404 citation for a violation specified in this subsection commits a
405 misdemeanor of the second degree, punishable as provided in s.
406 775.082 or s. 775.083.

407 2. Any person who willfully fails to pay the civil penalty
408 within 30 days after the issuance of a citation for a violation
409 specified in this subsection commits a misdemeanor of the second
410 degree, punishable as provided in s. 775.082 or s. 775.083.

411 (f)1. Electing or being required to appear before the
412 court shall waive the limitations on the civil penalty specified
413 in this subsection. The court shall determine whether a
414 violation has occurred and may impose a civil penalty not less
415 than those specified in this subsection and not more than \$500.

416 2. Violations must be proved beyond a reasonable doubt
417 before the court.

418 3. A person found guilty of a violation may file an appeal
419 with the circuit court.

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420 (g) A person charged with violating the requirement for
421 personal possession of a license or permit under s. 372.57 may
422 not be convicted if the person presents the required license or
423 permit for verification by the hearing officer or clerk of the
424 court prior to the scheduled court proceeding. The license or
425 permit must have been issued to the person charged with
426 committing the violation and valid at the time the violation
427 occurred. The clerk of the court may assess a fee of \$5 to cover
428 related court costs under this paragraph.

429 (2) LEVEL 2 VIOLATIONS.--

430 (a) Unless otherwise provided by law, a person convicted
431 of an offense classified as a level 2 violation is guilty of a
432 misdemeanor, which is punishable as provided in this subsection
433 and includes violation of the following:

434 1. Commission rules or orders that specify season or time
435 periods for the taking of saltwater fish, freshwater game fish,
436 or wildlife.

437 2. Commission rules or orders that establish bag,
438 possession, or size limits for, or restrict methods of the
439 taking of, saltwater fish, freshwater game fish, or wildlife.

440 3. Commission rules or orders that prohibit public access
441 for specified periods to wildlife management areas or other
442 areas managed by the commission.

443 4. Commission rules or orders that relate to the access to
444 wildlife management areas or other areas managed by the
445 commission.

446 5. Commission rules or orders relating to the feeding of
447 saltwater fish, freshwater game fish, or wildlife.

448 6. Commission rules or orders relating to restricted
449 hunting areas, bird sanctuaries, or critical wildlife areas.

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450 7. Commission rules or orders relating to landing
451 requirements for saltwater fish or freshwater game fish.

452 8. Commission rules or orders relating to tagging
453 requirements for game and fur-bearing animals.

454 9. Commission rules or orders relating to the use of dogs
455 for the taking of game.

456 10. Any commission rules or orders not otherwise
457 classified.

458 11. Any prohibitions in chapter 370 not otherwise
459 classified in this section.

460 12. Provisions of s. 370.08, relating to obstructing
461 waterways with net gear.

462 13. Provisions of s. 370.1105, relating to finfish traps.

463 14. Provisions of s. 370.1121, relating to bonefish.

464 15. Provisions of s. 370.14, relating to crawfish.

465 16. Provisions of s. 370.25, relating to placement of
466 artificial reefs.

467 17. Provisions of s. 372.667, relating to feeding or
468 enticement of alligators or crocodiles.

469 18. Provisions of s. 372.705, relating to harassment of
470 hunters, fishers, or trappers.

471 (b)1. A person convicted of any level 2 violation without
472 any previous conviction for a level 2 violation is guilty of a
473 misdemeanor of the first degree, punishable as provided in s.
474 775.082 or s. 775.083.

475 2. A person convicted of any level 2 violation within 3
476 years after any previous conviction for a level 2 violation is
477 guilty of a misdemeanor of the first degree, punishable as
478 provided in s. 775.082 or s. 775.083 and by a minimum mandatory
479 fine of \$250 and suspension of all recreational licenses issued
480 pursuant to this chapter for not less than 1 year.

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3. A person convicted of any level 2 violation within 5 years after any three previous convictions for level 2 violations is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and by a minimum mandatory fine of \$500 and suspension of all recreational licenses issued pursuant to this chapter for not less than 3 years.

4. A person convicted of any level 2 violation within 10 years after any three previous convictions for level 2 violations is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and by a minimum mandatory fine of \$750 and suspension of all recreational licenses issued pursuant to this chapter for not less than 3 years.

(3) LEVEL 3 VIOLATIONS.--

(a) Unless otherwise provided by law, a person convicted of an offense classified as a level 3 violation is guilty of a misdemeanor, which is punishable as provided in this subsection and includes violation of the following:

1. Commission rules or orders related to the prohibited sale of saltwater fish.

2. Provisions of s. 370.021(3), relating to major violations.

3. Provisions of s. 370.021(5), relating to possession in excess of certain bag limits.

4. Provisions of s. 370.081, relating to illegal importation or possession of exotic marine plants and animals.

5. Provisions of s. 370.093, relating to the taking of saltwater fish with nets.

6. Provisions of s. 372.26, relating to imported fish.

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7. Provisions of s. 372.57(17), relating to taking while license is suspended or revoked.

8. Provisions of s. 372.662, relating to the illegal sale or possession of alligators.

9. Provisions of s. 372.99, relating to the illegal taking and possession of deer and wild turkey.

10. Provisions of s. 372.9903, relating to the illegal possession and transportation of commercial quantities of freshwater game fish.

(b)1. A person convicted of a level 3 violation without any previous conviction for a level 3 violation in the past 10 years is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person convicted of a level 3 violation within 10 years after any previous conviction of a level 3 violation is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and by a minimum mandatory fine of \$750 and the suspension of all recreational licenses issued pursuant to this chapter for not less than 3 years.

3. The penalty for a violation of s. 372.57(17) shall include a mandatory fine of \$1,000 and a suspension of all recreational licenses issued pursuant to this chapter for 5 years.

(4) LEVEL 4 VIOLATIONS.--Unless otherwise provided by law, a person convicted of an offense classified as a level 4 violation is guilty of a felony of the third degree, which is punishable as provided in s. 775.082 or s. 775.083 and includes violation of the following:

(a) Provisions of s. 370.13, relating to the molestation of stone crab gear.

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541 (b) Provisions of s. 370.135, relating to the molestation
542 of blue crab gear.

543 (c) Provisions of s. 370.14, relating to the molestation
544 of crawfish gear.

545 (d) Provisions of s. 372.57(16), relating to forgery of a
546 license or possession of a forged license.

547 (e) Provisions of s. 372.99(5), relating to the sale of
548 deer or turkey that is taken illegally.

549 (f) Provisions of s. 372.99022, relating to molestation or
550 theft of freshwater gear.

551 ~~(1) A person is guilty of a noncriminal infraction,~~
552 ~~punishable as provided in s. 372.711, if she or he violates any~~
553 ~~of the following provisions:~~

554 ~~(a) Rules, regulations, or orders relating to the filing~~
555 ~~of reports or other documents required of persons who are~~
556 ~~licensed or who hold permits issued by the commission.~~

557 ~~(b) Rules, regulations, or orders relating to fish~~
558 ~~management areas.~~

559 ~~(c) Rules, regulations, or orders relating to quota hunt~~
560 ~~permits, daily use permits, hunting zone assignments, camping~~
561 ~~restrictions, the use of alcoholic beverages, vehicle use, and~~
562 ~~check station requirements within wildlife management areas or~~
563 ~~other areas managed by the commission.~~

564 ~~(d) Rules, regulations, or orders requiring permits free~~
565 ~~of charge to possess captive wildlife for personal use.~~

566 ~~(e) Rules, regulations, or orders establishing size or~~
567 ~~slot limits for freshwater game fish.~~

568 ~~(f) Rules, regulations, or orders regulating vessel size~~
569 ~~or specifying motor restrictions on specified water bodies.~~

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~~(g) Rules, regulations, or orders relating to the registration of off-road vehicles and airboats operated on state lands.~~

~~(h) Section 372.57, relating to hunting, fishing, and trapping licenses.~~

~~(i) Section 372.988, relating to required clothing for persons hunting deer.~~

~~A person who fails to pay the civil penalty specified in s. 372.711 within 30 days after being cited for a noncriminal infraction or to appear before the court pursuant to that section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(2) A person is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if she or he violates any of the following rules, regulations, or orders of the commission:~~

~~(a) Rules, regulations, or orders that specify season or time periods for the taking of freshwater fish or wildlife.~~

~~(b) Rules, regulations, or orders that specify bag limits or restrict methods of taking freshwater fish or wildlife.~~

~~(c) Rules, regulations, or orders that relate to the sale, possession for sale, purchase, transfer, transportation, or importation of freshwater fish or wildlife.~~

~~(d) Rules, regulations, or orders that prohibit public access for specified periods to wildlife management areas or other areas managed by the commission.~~

~~(e) Rules, regulations, or orders that require a person to pay a fee to obtain a permit to possess captive wildlife or that require the maintenance of records relating to captive wildlife.~~

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~~(f) All other rules, regulations, and orders of the commission, except those specified in subsection (1).~~

~~(3) It is unlawful for any person to make, forge, counterfeit, or reproduce a freshwater fishing, hunting, or saltwater fishing license unless authorized by the commission. It is unlawful for any person to knowingly have in his or her possession a forgery, counterfeit, or imitation of such a license unless possession by the person has been fully authorized by the commission. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(5)-(4)~~ Unless otherwise provided in this chapter, a person who violates any provision of this chapter is guilty, for the first offense, of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and is guilty, for the second offense or any subsequent offense, of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(6)-(5)~~ The court may order the suspension or revocation of any license or permit issued to a person pursuant to this chapter, if that person commits a criminal offense specified in this chapter or a noncriminal infraction specified in this section.

(7) For purposes of this section, "conviction" means any judicial disposition other than acquittal or dismissal.

Section 7. Paragraphs (h), (i), and (j) of subsection (4), paragraphs (e) through (i) of subsection (8), paragraph (b) of subsection (11), and paragraph (b) of subsection (12) of section 372.57, Florida Statutes, are amended, and subsections (16) and (17) are added to that section, to read:

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372.57 Recreational licenses, permits, and authorization numbers; fees established.--

(4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

(h) Annual sportsman's license, \$71 ~~\$66~~, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take game and freshwater fish, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a turkey permit, a Florida waterfowl permit, ~~and~~ an archery season permit, and a crossbow season permit.

(i) Annual gold sportsman's license, \$87 ~~\$82~~. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a crossbow season permit, a snook permit, and a crawfish permit.

(j) Annual military gold sportsman's license, \$18.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities

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authorized by a management area permit, a muzzle-loading gun season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a crossbow season permit, a snook permit, and a crawfish permit. Any resident who is an active or retired member of the United States Armed Forces, the United States Armed Forces Reserve, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve is eligible to purchase the military gold sportsman's license upon submission of a current military identification card.

(8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.--In addition to any license required under this chapter, the following permits and fees for specified hunting, fishing, and recreational uses and activities are required:

(e) A \$5 fee is imposed for the following permits:

1. An annual archery season permit for a resident or nonresident to hunt within the state during any archery season authorized by the commission.

2. An annual crossbow season permit for a resident or nonresident to hunt within the state during any crossbow season authorized by the commission.

3. An annual muzzle-loading gun season permit for a resident or nonresident to hunt within the state during any
~~with a muzzle-loading gun season is \$5. Hunting with a muzzle-loading gun is limited to game seasons in which hunting with a modern firearm is not~~ authorized by the commission.

~~(f) An annual archery permit for a resident or nonresident to hunt within the state with a bow and arrow is \$5. Hunting with an archery permit is limited to those game seasons in which hunting with a firearm is not authorized by the commission.~~

~~(f)(g)~~ A special use permit for a resident or nonresident to participate in limited entry hunting or fishing activities as

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692 authorized by commission rule shall not exceed \$100 per day or
693 \$250 per week. Notwithstanding any other provision of this
694 chapter, there are no exclusions, exceptions, or exemptions from
695 this permit fee. In addition to the permit fee, the commission
696 may charge each special use permit applicant a nonrefundable
697 application fee not to exceed \$10.

698 (g)~~(h)~~1. A management area permit for a resident or
699 nonresident to hunt on, fish on, or otherwise use for outdoor
700 recreational purposes land owned, leased, or managed by the
701 commission, or by the state for the use and benefit of the
702 commission, shall not exceed \$25 per year.

703 2. Permit fees for short-term use of land that is owned,
704 leased, or managed by the commission may be established by rule
705 of the commission for activities on such lands. Such permits may
706 be in lieu of, or in addition to, the annual management area
707 permit authorized in subparagraph 1.

708 3. Other than for hunting or fishing, the provisions of
709 this paragraph shall not apply on any lands not owned by the
710 commission, unless the commission has obtained the written
711 consent of the owner or primary custodian of such lands.

712 (h)~~(i)~~1. A recreational user permit is required to hunt
713 on, fish on, or otherwise use for outdoor recreational purposes
714 land leased by the commission from private nongovernmental
715 owners, except for those lands located directly north of the
716 Apalachicola National Forest, east of the Ochlocknee River until
717 the point the river meets the dam forming Lake Talquin, and
718 south of the closest federal highway. The fee for a recreational
719 user permit shall be based upon the economic compensation
720 desired by the landowner, game population levels, desired hunter
721 density, and administrative costs. The permit fee shall be set
722 by commission rule on a per-acre basis. The recreational user

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723 permit fee, less administrative costs of up to \$25 per permit,
724 shall be remitted to the landowner as provided in the lease
725 agreement for each area.

726 2. One minor dependent, 16 years of age or younger, may
727 hunt under the supervision of the permittee and is exempt from
728 the recreational user permit requirements. The spouse and
729 dependent children of a permittee are exempt from the
730 recreational user permit requirements when engaged in outdoor
731 recreational activities other than hunting and when accompanied
732 by a permittee. Notwithstanding any other provision of this
733 chapter, no other exclusions, exceptions, or exemptions from the
734 recreational user permit fee are authorized.

735 (11) RESIDENT LIFETIME HUNTING LICENSES.--

736 (b) The following activities are authorized by the
737 purchase of a lifetime hunting license:

738 1. Taking, or attempting to take or possess, game
739 consistent with the state and federal laws and regulations and
740 rules of the commission in effect at the time of the taking.

741 2. All activities authorized by a muzzle-loading gun
742 season permit, a turkey permit, an archery season permit, a
743 crossbow season permit, a Florida waterfowl permit, and a
744 management area permit, excluding fishing.

745 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

746 (b) The following activities are authorized by the
747 purchase of a lifetime sportsman's license:

748 1. Taking, or attempting to take or possess, freshwater
749 and saltwater fish, and game, consistent with the state and
750 federal laws and regulations and rules of the commission in
751 effect at the time of taking.

752 2. All activities authorized by a management area permit,
753 a muzzle-loading gun season permit, a turkey permit, an archery

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754 season permit, a crossbow season permit, a Florida waterfowl
755 permit, a snook permit, and a crawfish permit.

756 (16) FORGING OF LICENSES.--It is unlawful for any person
757 to make, forge, or counterfeit a freshwater fishing, hunting, or
758 saltwater fishing license. Such a license may be reproduced only
759 as authorized by the commission. It is unlawful for any person
760 to knowingly have in his or her possession a forgery,
761 counterfeit, or imitation of such a license unless possession by
762 the person has been fully authorized by the commission. A person
763 who violates this subsection commits a level 4 violation as
764 classified in s. 372.83 and shall be punished as provided in s.
765 372.83.

766 (17) TAKING OF GAME AND FISH WHILE LICENSE SUSPENDED OR
767 REVOKED.--No person shall take game, freshwater game fish,
768 saltwater fish, or fur-bearing animals within this state while
769 the license required to do so is suspended or revoked. A person
770 who violates this subsection commits a level 3 violation as
771 classified in s. 372.83 and shall be punished as provided in s.
772 372.83.

773 Section 8. Section 372.573, Florida Statutes, is amended
774 to read:

775 372.573 Management area permit revenues.--The commission
776 shall expend the revenue generated from the sale of the
777 management area permit as provided for in s. 372.57(8) (g) ~~(h)~~ or
778 that pro rata portion of any license that includes management
779 area privileges as provided for in s. 372.57(4) (h), (i), and (j)
780 for the lease, management, and protection of lands for public
781 hunting, fishing, and other outdoor recreation.

782 Section 9. Subsection (2) of section 372.661, Florida
783 Statutes, is amended to read:

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372.661 Private hunting preserve license fees;
exception.--

(2) A commercial hunting preserve license, which shall exempt patrons of licensed preserves from the license and permit requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j); (5)(f) and (g); (8)(a), (b), and (e), ~~and (f)~~; (9)(a)2.; (11); and (12) while hunting on the licensed preserve property, shall be \$500. Such commercial hunting preserve license shall be available only to those private hunting preserves licensed pursuant to this section which are operated exclusively for commercial purposes, which are open to the public, and for which a uniform fee is charged to patrons for hunting privileges.

Section 10. Section 372.831, Florida Statutes, is created to read:

372.831 Wildlife Violators Compact.--The Wildlife Violators Compact is created and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I

Findings

(1) The participating states find that:

(a) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.

(c) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the

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815 aesthetic, recreational, and economic aspects of such natural
816 resources.

817 (d) Wildlife resources are valuable without regard to
818 political boundaries; therefore, every person should be required
819 to comply with wildlife preservation, protection, management,
820 and restoration laws, ordinances, and administrative rules and
821 regulations of the participating states as a condition precedent
822 to the continuance or issuance of any license to hunt, fish,
823 trap, or possess wildlife.

824 (e) Violation of wildlife laws interferes with the
825 management of wildlife resources and may endanger the safety of
826 persons and property.

827 (f) The mobility of many wildlife law violators
828 necessitates the maintenance of channels of communication among
829 the various states.

830 (g) In most instances, a person who is cited for a
831 wildlife violation in a state other than his or her home state:

832 1. Is required to post collateral or a bond to secure
833 appearance for a trial at a later date;

834 2. Is taken into custody until the collateral or bond is
835 posted; or

836 3. Is taken directly to court for an immediate appearance.

837 (h) The purpose of the enforcement practices set forth in
838 subsection (7) of this article is to ensure compliance with the
839 terms of a wildlife citation by the cited person who, if
840 permitted to continue on his or her way after receiving the
841 citation, could return to his or her home state and disregard
842 his or her duty under the terms of the citation.

843 (i) In most instances, a person receiving a wildlife
844 citation in his or her home state is permitted to accept the
845 citation from the officer at the scene of the violation and

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846 immediately continue on his or her way after agreeing or being
847 instructed to comply with the terms of the citation.

848 (j) The practices described in paragraph (7) of this
849 article cause unnecessary inconvenience and, at times, a
850 hardship for the person who is unable at the time to post
851 collateral, furnish a bond, stand trial, or pay a fine and thus
852 is compelled to remain in custody until some alternative
853 arrangement is made.

854 (k) The enforcement practices described in paragraph (7)
855 of this article consume an undue amount of law enforcement time.

856 (2) It is the policy of the participating states to:

857 (a) Promote compliance with the statutes, laws,
858 ordinances, regulations, and administrative rules relating to
859 management of wildlife resources in their respective states.

860 (b) Recognize the suspension of wildlife license
861 privileges of any person whose license privileges have been
862 suspended by a participating state and treat such suspension as
863 if it had occurred in that person's home state.

864 (c) Allow a violator, except as provided in paragraph (b)
865 of Article III, to accept a wildlife citation and, without
866 delay, proceed on his or her way, regardless of whether he or
867 she is a resident of the state in which the citation was issued,
868 provided that the violator's home state is party to this
869 compact.

870 (d) Report to the appropriate participating state, as
871 provided in the compact manual, any conviction recorded against
872 any person whose home state was not the issuing state.

873 (e) Allow the home state to recognize and treat
874 convictions recorded against its residents, which convictions
875 occurred in a participating state, as though they had occurred
876 in the home state.

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(f) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(g) Maximize effective use of law enforcement personnel and information.

(h) Assist court systems in the efficient disposition of wildlife violations.

(3) The purpose of this compact is to:

(a) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) of this article in a uniform and orderly manner.

(b) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II

Definitions

As used in this compact, unless the context requires otherwise:

(1) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with

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907 the issuance by a wildlife officer or other peace officer of a
908 citation for a wildlife violation.

909 (3) "Compliance," with respect to a citation, means the
910 act of answering a citation through an appearance in a court or
911 tribunal or through the payment of fines, costs, and surcharges,
912 if any.

913 (4) "Conviction" means a conviction, including any court
914 conviction, for any offense related to the preservation,
915 protection, management, or restoration of wildlife which is
916 prohibited by state statute, law, regulation, ordinance, or
917 administrative rule, and such conviction shall also include the
918 forfeiture of any bail, bond, or other security deposited to
919 secure appearance by a person charged with having committed any
920 such offense, the payment of a penalty assessment, a plea of
921 nolo contendere, and the imposition of a deferred or suspended
922 sentence by the court.

923 (5) "Court" means a court of law, including magistrate's
924 court and the justice of the peace court.

925 (6) "Home state" means the state of primary residence of a
926 person.

927 (7) "Issuing state" means the participating state that
928 issues a wildlife citation to the violator.

929 (8) "License" means any license, permit, or other public
930 document that conveys to the person to whom it was issued the
931 privilege of pursuing, possessing, or taking any wildlife
932 regulated by statute, law, regulation, ordinance, or
933 administrative rule of a participating state; however, when
934 applied to licenses issued by the State of Florida, only those
935 licenses issued pursuant to ss. 372.561, 372.562, and 372.57
936 shall be considered licenses.

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937 (9) "Licensing authority" means the department or division
938 within each participating state that is authorized by law to
939 issue or approve licenses or permits to hunt, fish, trap, or
940 possess wildlife.

941 (10) "Participating state" means any state that enacts
942 legislation to become a member of this wildlife compact.

943 (11) "Personal recognizance" means an agreement by a
944 person made at the time of issuance of the wildlife citation
945 that such person will comply with the terms of the citation.

946 (12) "State" means any state, territory, or possession of
947 the United States, the District of Columbia, the Commonwealth of
948 Puerto Rico, the Provinces of Canada, and other countries.

949 (13) "Suspension" means any revocation, denial, or
950 withdrawal of any or all license privileges, including the
951 privilege to apply for, purchase, or exercise the benefits
952 conferred by any license.

953 (14) "Terms of the citation" means those conditions and
954 options expressly stated upon the citation.

955 (15) "Wildlife" means all species of animals, including,
956 but not limited to, mammals, birds, fish, reptiles, amphibians,
957 mollusks, and crustaceans, that are defined as "wildlife" and
958 are protected or otherwise regulated by statute, law,
959 regulation, ordinance, or administrative rule in a participating
960 state. Species included in the definition of "wildlife" vary
961 from state to state, and determination of whether a species is
962 "wildlife" for the purposes of this compact shall be based on
963 local law.

964 (16) "Wildlife law" means any statute, law, regulation,
965 ordinance, or administrative rule developed and enacted for the
966 management of wildlife resources and the uses thereof.

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(17) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

(18) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE III

Procedures for Issuing State

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in paragraph (b) of this article, if the officer receives the recognizance of such person that he or she will comply with the terms of the citation.

(2) Personal recognizance is acceptable if not prohibited by local law, by any issuing agency policy, procedure, or regulation, or by the compact manual and if the violator provides adequate proof of identification to the wildlife officer.

(3) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain

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information as specified in the compact manual as minimum requirements for effective processing by the home state.

(4) Upon receipt of the report of conviction or noncompliance pursuant to subsection (3), the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

ARTICLE IV

Procedure for Home State

(1) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards will be accorded.

(2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

(3) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

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ARTICLE V

Reciprocal Recognition of Suspension

(1) All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.

(2) Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

ARTICLE VII

Compact Administrator Procedures

(1) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating

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1060 states to be known as the compact administrator. The compact
1061 administrator shall be appointed by the head of the licensing
1062 authority of each participating state and shall serve and be
1063 subject to removal in accordance with the laws of the state he
1064 or she represents. A compact administrator may provide for the
1065 discharge of his or her duties and the performance of his or her
1066 functions as a board member by an alternate. An alternate shall
1067 not be entitled to serve unless written notification of his or
1068 her identity has been given to the board.

1069 (2) Each member of the board of compact administrators
1070 shall be entitled to one vote. No action of the board shall be
1071 binding unless taken at a meeting at which a majority of the
1072 total number of the board's votes is cast in favor thereof.
1073 Action by the board shall be only at a meeting at which a
1074 majority of the participating states is represented.

1075 (3) The board shall elect annually from its membership a
1076 chair and vice chair.

1077 (4) The board shall adopt bylaws not inconsistent with the
1078 provisions of this compact or the laws of a participating state
1079 for the conduct of its business and shall have the power to
1080 amend and rescind its bylaws.

1081 (5) The board may accept for any of its purposes and
1082 functions under this compact any and all donations and grants of
1083 moneys, equipment, supplies, materials, and services,
1084 conditional or otherwise, from any state, the United States, or
1085 any governmental agency and may receive, utilize, and dispose of
1086 same.

1087 (6) The board may contract with, or accept services or
1088 personnel from, any governmental or intergovernmental agency,
1089 individual, firm, or corporation or any private nonprofit
1090 organization or institution.

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1091 (7) The board shall formulate all necessary procedures and
1092 develop uniform forms and documents for administering the
1093 provisions of this compact. All procedures and forms adopted
1094 pursuant to board action shall be contained in a compact manual.

1095
1096 ARTICLE VIII

1097 Entry into and Withdrawal from Compact
1098

1099 (1) This compact shall become effective at such time as it
1100 is adopted in substantially similar form by two or more states.

1101 (2) (a) Entry into the compact shall be made by resolution
1102 of ratification executed by the authorized officials of the
1103 applying state and submitted to the chair of the board.

1104 (b) The resolution shall substantially be in the form and
1105 content as provided in the compact manual and shall include the
1106 following:

1107 1. A citation of the authority from which the state is
1108 empowered to become a party to this compact.

1109 2. An agreement of compliance with the terms and
1110 provisions of this compact.

1111 3. An agreement that compact entry is with all states
1112 participating in the compact and with all additional states
1113 legally becoming a party to the compact.

1114 (c) The effective date of entry shall be specified by the
1115 applying state but shall not be less than 60 days after notice
1116 has been given by the chair of the board of the compact
1117 administrators or by the secretary of the board to each
1118 participating state that the resolution from the applying state
1119 has been received.

1120 (3) A participating state may withdraw from participation
1121 in this compact by official written notice to each participating

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state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

ARTICLE IX

Amendments to the Compact

(1) This compact may be amended. Amendments shall be presented in resolution form to the chair of the board of compact administrators and shall be initiated by one or more participating states.

(2) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

(3) Failure of a participating state to respond to the chair of the board within 60 days after receipt of a proposed amendment shall constitute endorsement thereof.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or if the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact is

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declared to be contrary to the constitution of any participating
state, the compact shall remain in full force and effect as to
the remaining states and in full force and effect as to the
participating state affected as to all severable matters.

ARTICLE XI

Title

This compact shall be known as the "Wildlife Violator Compact."

Section 11. Section 372.832, Florida Statutes, is created
to read:

372.832 Compact licensing authority; ratification.--For
purposes of this act and the interstate Wildlife Violator
Compact, the Fish and Wildlife Conservation Commission is the
licensing authority for the State of Florida and shall enforce
the interstate Wildlife Violator Compact and do all things
within its jurisdiction that are necessary to effectuate the
purposes and the intent of the compact. The commission is
authorized to execute a resolution of ratification to formalize
the State of Florida's entry into the compact.

Section 12. Section 372.833, Florida Statutes, is created
to read:

372.833 Compact enforcement; violation review.--Any act
done or omitted pursuant to, or in enforcing, the provisions of
the interstate Wildlife Violator Compact shall be subject to
review by the commission in accordance with chapter 120, but any
review of a suspension for the failure of a violator to comply
with the terms of a citation or a conviction pursuant to the
compact shall be limited to establishing the identity of the
person so convicted or failing to comply with a citation.

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Section 13. Section 370.028, Florida Statutes, is amended to read:

370.028 Enforcement of commission rules; penalties for violation of rule.--Rules of the Fish and Wildlife Conservation Commission shall be enforced by any law enforcement officer certified pursuant to s. 943.13. Any person who violates or otherwise fails to comply with any rule adopted by the commission shall be punished pursuant to s. 370.021(2)~~(1)~~.

Section 14. Subsections (3) and (4) of section 370.092, Florida Statutes, are amended to read:

370.092 Carriage of proscribed nets across Florida waters.--

(3) Notwithstanding subsections (1) and (2), unless authorized by rule of the Fish and Wildlife Conservation Commission, it is a major violation under this section, punishable as provided in s. 370.021(4)~~(3)~~, for any person, firm, or corporation to possess any gill or entangling net, or any seine net larger than 500 square feet in mesh area, on any airboat or on any other vessel less than 22 feet in length and on any vessel less than 25 feet if primary power of the vessel is mounted forward of the vessel center point. Gill or entangling nets shall be as defined in s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or in a rule of the Fish and Wildlife Conservation Commission implementing s. 16, Art. X of the State Constitution. Vessel length shall be determined in accordance with current United States Coast Guard regulations specified in the Code of Federal Regulations or as titled by the State of Florida. The Marine Fisheries Commission is directed to initiate by July 1, 1998, rulemaking to adjust by rule the use of gear on vessels longer than 22 feet where the primary power of the vessel is mounted forward of the vessel center point in

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order to prevent the illegal use of gill and entangling nets in state waters and to provide reasonable opportunities for the use of legal net gear in adjacent federal waters.

(4) The Fish and Wildlife Conservation Commission shall adopt rules to prohibit the possession and sale of mullet taken in illegal gill or entangling nets. Violations of such rules shall be punishable as provided in s. 370.021~~(4)~~~~(3)~~.

Section 15. Subsection (5) of section 370.093, Florida Statutes, is amended to read:

370.093 Illegal use of nets.--

(5) Any person who violates this section shall be punished as provided in s. 370.021~~(4)~~~~(3)~~.

Section 16. Paragraph (s) of subsection (2) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.--

(2) PROTECTION OF MANATEES OR SEA COWS.--

(s) Except as otherwise provided in this paragraph, any person violating the provisions of this subsection or any rule or ordinance adopted pursuant to this subsection commits a misdemeanor, punishable as provided in s. 370.021~~(2)~~~~(1)~~(a) or (b).

1. Any person operating a vessel in excess of a posted speed limit shall be guilty of a civil infraction, punishable as provided in s. 327.73, except as provided in subparagraph 2.

2. This paragraph does not apply to persons violating restrictions governing "No Entry" zones or "Motorboat Prohibited" zones, who, if convicted, shall be guilty of a misdemeanor, punishable as provided in s. 370.021~~(2)~~~~(1)~~(a) or (b), or, if such violation demonstrates blatant or willful action, may be found guilty of harassment as described in paragraph (d).

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1245 3. A person may engage in any activity otherwise
1246 prohibited by this subsection or any rule or ordinance adopted
1247 pursuant to this subsection if the activity is reasonably
1248 necessary in order to prevent the loss of human life or a vessel
1249 in distress due to weather conditions or other reasonably
1250 unforeseen circumstances, or in order to render emergency
1251 assistance to persons or a vessel in distress.

1252 Section 17. Subsection (2) of section 370.1405, Florida
1253 Statutes, is amended to read:

1254 370.1405 Crawfish reports by dealers during closed season
1255 required.--

1256 (2) Failure to submit a report as described in subsection
1257 (1) or reporting a greater or lesser amount of whole crawfish,
1258 crawfish tails, or crawfish meat than is actually in the
1259 dealer's possession or name is a major violation of this
1260 chapter, punishable as provided in s. 370.021(2)~~(1)~~, s.
1261 370.07(6)(b), or both. The commission shall seize the entire
1262 supply of unreported or falsely reported whole crawfish,
1263 crawfish tails, or crawfish meat, and shall carry the same
1264 before the court for disposal. The dealer shall post a cash bond
1265 in the amount of the fair value of the entire quantity of
1266 unreported or falsely reported crawfish as determined by the
1267 judge. After posting the cash bond, the dealer shall have 24
1268 hours to transport said products outside the limits of Florida
1269 for sale as provided by s. 370.061. Otherwise, the product shall
1270 be declared a nuisance and disposed of by the commission
1271 according to law.

1272 Section 18. Paragraph (c) of subsection (2) of section
1273 370.142, Florida Statutes, is amended to read:

1274 370.142 Spiny lobster trap certificate program.--

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1275 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
1276 PENALTIES.--The Fish and Wildlife Conservation Commission shall
1277 establish a trap certificate program for the spiny lobster
1278 fishery of this state and shall be responsible for its
1279 administration and enforcement as follows:

1280 (c) Prohibitions; penalties.--

1281 1. It is unlawful for a person to possess or use a spiny
1282 lobster trap in or on state waters or adjacent federal waters
1283 without having affixed thereto the trap tag required by this
1284 section. It is unlawful for a person to possess or use any other
1285 gear or device designed to attract and enclose or otherwise aid
1286 in the taking of spiny lobster by trapping that is not a trap as
1287 defined in rule 68B-24.006(2), Florida Administrative Code.

1288 2. It is unlawful for a person to possess or use spiny
1289 lobster trap tags without having the necessary number of
1290 certificates on record as required by this section.

1291 3. It is unlawful for any person to willfully molest, take
1292 possession of, or remove the contents of another harvester's
1293 trap without the express written consent of the trap owner
1294 available for immediate inspection. Unauthorized possession of
1295 another's trap gear or removal of trap contents constitutes
1296 theft. Any person receiving a judicial disposition other than
1297 dismissal or acquittal on a charge of theft of or from a trap
1298 pursuant to this subparagraph or s. 370.1107 shall, in addition
1299 to the penalties specified in ss. 370.021 and 370.14 and the
1300 provisions of this section, permanently lose all his or her
1301 saltwater fishing privileges, including his or her saltwater
1302 products license, crawfish endorsement, and all trap
1303 certificates allotted to him or her through this program. In
1304 such cases, trap certificates and endorsements are
1305 nontransferable. Any person receiving a judicial disposition

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other than dismissal or acquittal on a charge of willful molestation of a trap, in addition to the penalties specified in ss. 370.021 and 370.14, shall lose all saltwater fishing privileges for a period of 24 calendar months. In addition, any person, firm, or corporation charged with violating this paragraph and receiving a judicial disposition other than dismissal or acquittal for violating this subparagraph or s. 370.1107 shall also be assessed an administrative penalty of up to \$5,000. Immediately upon receiving a citation for a violation involving theft of or from a trap, or molestation of a trap, and until adjudicated for such a violation or, upon receipt of a judicial disposition other than dismissal or acquittal of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any crawfish trap certificates and endorsements.

4. In addition to any other penalties provided in s. 370.021, a commercial harvester, as defined by rule 68B-24.002(1), Florida Administrative Code, who violates the provisions of this section, or the provisions relating to traps of chapter 68B-24, Florida Administrative Code, shall be punished as follows:

a. If the first violation is for violation of subparagraph 1. or subparagraph 2., the commission shall assess an additional civil penalty of up to \$1,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year. For all other first violations, the commission shall assess an additional civil penalty of up to \$500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the commission shall assess an additional civil

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penalty of up to \$2,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1., subparagraph 2., or subparagraph 3. which occurs within 36 months of any previous two such violations, the commission shall assess an additional civil penalty of up to \$5,000 and may suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) for a period of up to 24 months or may revoke the crawfish trap number and, if revoking the crawfish trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(3)~~(2)~~(h).

d. Any person assessed an additional civil penalty pursuant to this section shall within 30 calendar days after notification:

(I) Pay the civil penalty to the commission; or

(II) Request an administrative hearing pursuant to the provisions of s. 120.60.

e. The commission shall suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) for any person failing to comply with the provisions of sub-subparagraph d.

5.a. It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a spiny lobster trap tag or certificate.

b. It is unlawful for any person to knowingly have in his or her possession a forged, counterfeit, or imitation spiny lobster trap tag or certificate.

c. It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a spiny lobster trap tag or certificate or to conspire to barter, trade,

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sell, supply, aid in supplying, or give away a spiny lobster trap tag or certificate unless such action is duly authorized by the commission as provided in this chapter or in the rules of the commission.

6.a. Any person who violates the provisions of subparagraph 5., or any person who engages in the commercial harvest, trapping, or possession of spiny lobster without a crawfish trap number as required by s. 370.14(2) or (6) or during any period while such crawfish trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. In addition to any penalty imposed pursuant to subparagraph a., the commission shall levy a fine of up to twice the amount of the appropriate surcharge to be paid on the fair market value of the transferred certificates, as provided in subparagraph (a)1., on any person who violates the provisions of sub-subparagraph 5.c.

7. Any certificates for which the annual certificate fee is not paid for a period of 3 years shall be considered abandoned and shall revert to the commission. During any period of trap reduction, any certificates reverting to the commission shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. Otherwise, any certificates that revert to the commission are to be reallocated in such manner as provided by the commission.

8. The proceeds of all civil penalties collected pursuant to subparagraph 4. and all fines collected pursuant to subparagraph 6.b. shall be deposited into the Marine Resources Conservation Trust Fund.

9. All traps shall be removed from the water during any period of suspension or revocation.

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1399 Section 19. This act shall take effect January 1, 2007.

1400

1401 ===== T I T L E A M E N D M E N T =====

1402 Remove the entire title and insert:

1403 A bill to be entitled

1404 An act relating to fish and wildlife; amending s. 370.01,

1405 F.S.; defining "commercial harvest"; amending s. 370.021,

1406 F.S.; revising penalties for violations related to

1407 commercial harvest; correcting cross-references; amending

1408 s. 370.061, F.S.; correcting a cross-reference; creating

1409 s. 372.825, F.S.; establishing penalties for violations

1410 related to the possession of captive wildlife; amending s.

1411 372.57, F.S.; specifying seasonal recreational activities;

1412 establishing fees for certain annual licenses; providing

1413 penalties for the production, possession, and use of

1414 fraudulent fishing and hunting licenses; providing

1415 penalties for the taking of game and fish with a suspended

1416 or revoked license; amending s. 372.5717, F.S.; revising

1417 the penalties for violations related to hunter safety

1418 course requirements; amending s. 372.83, F.S.; revising

1419 the penalties for violations of Fish and Wildlife

1420 Conservation Commission rules and orders relating to

1421 recreational activities; defining "conviction"; amending

1422 ss. 372.573 and 372.661, F.S.; correcting cross-

1423 references; creating s. 372.831, F.S.; creating the

1424 Wildlife Violators Compact; providing findings and intent;

1425 providing definitions; providing requirements and

1426 procedures for issuance of violation citations; providing

1427 for reciprocal recognition of certain license suspension

1428 related to fish and wildlife activities; providing for

1429 applicability of laws; providing procedures for compact

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1430 administration; establishing a board of compact
1431 administrators; providing requirements and procedures with
1432 respect thereto; providing for compact entry, withdrawal,
1433 ratification, and amendment; providing for compact
1434 construction and severability; creating s. 372.832, F.S.;
1435 providing for compact licensing authority; creating s.
1436 372.833, F.S.; providing for compact enforcement and
1437 violation review; amending ss. 370.028, 370.092, 370.093,
1438 370.12, 370.1405, and 370.142, F.S.; correcting cross-
1439 references; providing an effective date.

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Bill No. HB 471

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☐ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

Voted

Council/Committee hearing bill: Water & Natural Resources
Committee

Representative(s) Troutman offered the following:

**Substitute Amendment for Amendment (1) by Representative
Troutman (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (5) through (28) of section 370.01,
Florida Statutes, are renumbered as subsections (6) through
(29), respectively, and a new subsection (5) is added to that
section to read:

370.01 Definitions.--In construing these statutes, where
the context does not clearly indicate otherwise, the word,
phrase, or term:

(5) "Commercial harvest" means the taking or harvest of
marine fish while operating under a permit, license, or
authorization issued pursuant to this chapter; while operating
in a manner consistent with such a permit, license, or
authorization while such permit, license, or authorization is
suspended or revoked; or in quantities sufficient to suggest
intent to sell.

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Section 2. Present subsections (1) through (4) of section 370.021, Florida Statutes, are renumbered as subsections (2) through (5), respectively, and amended, present subsections (5) through (12) are renumbered as subsections (6) through (13), respectively, and a new subsection (1) is added to that section, to read:

370.021 Administration; rules, publications, records; penalties; injunctions.--

(1) APPLICATION OF PENALTIES.--The penalties in this section apply when the commission of a violation is related to commercial harvest; when the commission of a violation is related to commercial harvest, the penalties in s. 372.83 do not apply.

(2)~~(1)~~ BASE PENALTIES.--Unless otherwise provided by law, any person, firm, or corporation who violates is convicted for violating any provision of this chapter, or any rule of the Fish and Wildlife Conservation Commission relating to the conservation of marine resources, shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 60 days or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction within 12 months, by imprisonment for not more than 6 months or by a fine of not less than \$250 nor more than \$1,000, or by both such fine and imprisonment.

Upon final disposition of any alleged offense for which a citation for any violation of this chapter or the rules of the commission has been issued, the court shall, within 10 days, certify the disposition to the commission.

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52 ~~(3)+2)~~ MAJOR VIOLATIONS.--In addition to the penalties
53 provided in paragraphs ~~(2)+1)~~(a) and (b), the court shall assess
54 additional penalties against any person, firm, or corporation
55 convicted of major violations as follows:

56 (a) For a violation involving more than 100 illegal blue
57 crabs, crawfish, or stone crabs, an additional penalty of \$10
58 for each illegal blue crab, crawfish, stone crab, or part
59 thereof.

60 (b) For a violation involving the taking or harvesting of
61 shrimp from a nursery or other prohibited area, or any two
62 violations within a 12-month period involving shrimping gear,
63 minimum size (count), or season, an additional penalty of \$10
64 for each pound of illegal shrimp or part thereof.

65 (c) For a violation involving the taking or harvesting of
66 oysters from nonapproved areas or the taking or possession of
67 uncultured oysters, an additional penalty of \$10 for each bushel
68 of illegal oysters.

69 (d) For a violation involving the taking or harvesting of
70 clams from nonapproved areas, an additional penalty of \$100 for
71 each 500 count bag of illegal clams.

72 (e) For a violation involving the taking, harvesting, or
73 possession of any of the following species, which are
74 endangered, threatened, or of special concern:

- 75 1. Shortnose sturgeon (*Acipenser brevirostrum*);
76 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
77 3. Common snook (*Centropomus undecimalis*);
78 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
79 5. Atlantic green turtle (*Chelonia mydas mydas*);
80 6. Leatherback turtle (*Dermochelys coriacea*);
81 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
82 imbracata);

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8. Atlantic ridley turtle (*Lepidochelys kemp*); or

9. West Indian manatee (*Trichechus manatus latirostris*),

an additional penalty of \$100 for each unit of marine life or part thereof.

(f) For a second or subsequent conviction within 24 months for any violation of the same law or rule involving the taking or harvesting of more than 100 pounds of any finfish, an additional penalty of \$5 for each pound of illegal finfish.

(g) For any violation involving the taking, harvesting, or possession of more than 1,000 pounds of any illegal finfish, an additional penalty equivalent to the wholesale value of the illegal finfish.

(h) Permits issued to any person, firm, or corporation by the commission to take or harvest saltwater products, or any license issued pursuant to s. 370.06 or s. 370.07 may be suspended or revoked by the commission, pursuant to the provisions and procedures of s. 120.60, for any major violation prescribed in this subsection:

1. Upon a first conviction, for up to 30 calendar days.

2. Upon a second conviction which occurs within 12 months after a prior violation, for up to 90 calendar days.

3. Upon a third conviction which occurs within 24 months after a prior conviction, for up to 180 calendar days.

4. Upon a fourth conviction which occurs within 36 months after a prior conviction, for a period of 6 months to 3 years.

(i) Upon the arrest and conviction for a major violation involving stone crabs, the licenseholder must show just cause why his or her license should not be suspended or revoked. For the purposes of this paragraph, a "major violation" means a major violation as prescribed for illegal stone crabs; any

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14 single violation involving possession of more than 25 stone
115 crabs during the closed season or possession of 25 or more
116 whole-bodied or egg-bearing stone crabs; any violation for trap
117 molestation, trap robbing, or pulling traps at night; or any
118 combination of violations in any 3-consecutive-year period
119 wherein more than 75 illegal stone crabs in the aggregate are
120 involved.

121 (j) Upon the arrest and conviction for a major violation
122 involving crawfish, the licenseholder must show just cause why
123 his or her license should not be suspended or revoked. For the
124 purposes of this paragraph, a "major violation" means a major
125 violation as prescribed for illegal crawfish; any single
126 violation involving possession of more than 25 crawfish during
127 the closed season or possession of more than 25 wrung crawfish
128 tails or more than 25 egg-bearing or stripped crawfish; any
29 violation for trap molestation, trap robbing, or pulling traps
130 at night; or any combination of violations in any 3-consecutive-
131 year period wherein more than 75 illegal crawfish in the
132 aggregate are involved.

133 (k) Upon the arrest and conviction for a major violation
134 involving blue crabs, the licenseholder shall show just cause
135 why his or her saltwater products license should not be
136 suspended or revoked. This paragraph shall not apply to an
137 individual fishing with no more than five traps. For the
138 purposes of this paragraph, a "major violation" means a major
139 violation as prescribed for illegal blue crabs, any single
140 violation wherein 50 or more illegal blue crabs are involved;
141 any violation for trap molestation, trap robbing, or pulling
142 traps at night; or any combination of violations in any 3-
143 consecutive-year period wherein more than 100 illegal blue crabs
44 in the aggregate are involved.

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(1) Upon the conviction for a major violation involving finfish, the licenseholder must show just cause why his or her saltwater products license should not be suspended or revoked. For the purposes of this paragraph, a major violation is prescribed for the taking and harvesting of illegal finfish, any single violation involving the possession of more than 100 pounds of illegal finfish, or any combination of violations in any 3-consecutive-year period wherein more than 200 pounds of illegal finfish in the aggregate are involved.

(m) For a violation involving the taking or harvesting of any marine life species, as those species are defined by rule of the commission, the harvest of which is prohibited, or the taking or harvesting of such a species out of season, or with an illegal gear or chemical, or any violation involving the possession of 25 or more individual specimens of marine life species, or any combination of violations in any 3-year period involving more than 70 such specimens in the aggregate, the suspension or revocation of the licenseholder's marine life endorsement as provided in paragraph (h).

Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any major violation prescribed in this subsection. The proceeds from the penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund to be used for marine fisheries research or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.

(4)~~(3)~~ PENALTIES FOR USE OF ILLEGAL NETS.--

(a) It is a major violation pursuant to this section, punishable as provided in paragraph (b) for any person, firm, or

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76 corporation to be simultaneously in possession of any species of
177 mullet in excess of the recreational daily bag limit and any
178 gill or other entangling net as defined in s. 16(c), Art. X of
179 the State Constitution. Simultaneous possession under this
180 provision shall include possession of mullet and gill or other
181 entangling nets on separate vessels or vehicles where such
182 vessels or vehicles are operated in coordination with one
183 another including vessels towed behind a main vessel. This
184 subsection does not prohibit a resident of this state from
185 transporting on land, from Alabama to this state, a commercial
186 quantity of mullet together with a gill net if:

187 1. The person possesses a valid commercial fishing license
188 that is issued by the State of Alabama and that allows the
189 person to use a gill net to legally harvest mullet in commercial
190 quantities from Alabama waters.

91 2. The person possesses a trip ticket issued in Alabama
192 and filled out to match the quantity of mullet being
193 transported, and the person is able to present such trip ticket
194 immediately upon entering this state.

195 3. The mullet are to be sold to a wholesale saltwater
196 products dealer located in Escambia County or Santa Rosa County,
197 which dealer also possesses a valid seafood dealer's license
198 issued by the State of Alabama. The dealer's name must be
199 clearly indicated on the trip ticket.

200 4. The mullet being transported are totally removed from
201 any net also being transported.

202 (b)1. A flagrant violation of any rule or statute which
203 implements s. 16(b), Art. X of the State Constitution shall be
204 considered a felony of the third degree, punishable as provided
205 in s. 775.082 or s. 775.083. For purposes of this paragraph, a
06 flagrant violation shall be the illegal possession or use of a

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monofilament net or a net with a mesh area larger than 2,000 square feet. A violation means any judicial disposition other than acquittal or dismissal.

2. In addition to being subject to the other penalties provided in this chapter, any violation of s. 16(b), Art. X of the State Constitution, or any statute or rule of the commission which implements the gear prohibitions and restrictions specified therein shall be considered a major violation; and any person, firm, or corporation receiving any judicial disposition other than acquittal or dismissal of such violation shall be subject to the following additional penalties:

a. For a first major violation within a 7-year period, a civil penalty of \$2,500 and suspension of all saltwater products license privileges for 90 calendar days following final disposition shall be imposed.

b. For a second major violation under this subparagraph charged within 7 years of a previous judicial disposition, which results in a second judicial disposition other than acquittal or dismissal, a civil penalty of \$5,000 and suspension of all saltwater products license privileges for 12 months shall be imposed.

c. For a third or subsequent major violation under this subparagraph, charged within a 7-year period, resulting in a third or subsequent judicial disposition other than acquittal or dismissal, a civil penalty of \$5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation shall be imposed.

d. For a first flagrant violation under this subparagraph, a civil penalty of \$5,000 and a suspension of all saltwater license privileges for 12 months shall be imposed. For a second or subsequent flagrant violation under this subparagraph, a

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38 civil penalty of \$5,000, a lifetime revocation of the saltwater
239 products license, and the forfeiture of all gear and equipment
240 used in the violation shall be imposed.

241
242 A court may suspend, defer, or withhold adjudication of guilt or
243 imposition of sentence only for any first violation of s. 16,
244 Art. X of the State Constitution, or any rule or statute
245 implementing its restrictions, determined by a court only after
246 consideration of competent evidence of mitigating circumstances
247 to be a nonflagrant or minor violation of those restrictions
248 upon the use of nets. Any violation of s. 16, Art. X of the
249 State Constitution, or any rule or statute implementing its
250 restrictions, occurring within a 7-year period commencing upon
251 the conclusion of any judicial proceeding resulting in any
252 outcome other than acquittal shall be punished as a second,
53 third, or subsequent violation accordingly.

254 (c) During the period of suspension or revocation of
255 saltwater license privileges under this subsection, the licensee
256 shall not participate in the taking or harvesting, or attempt
257 the taking or harvesting, of saltwater products from any vessel
258 within the waters of the state; be aboard any vessel on which a
259 commercial quantity of saltwater products is possessed through
260 an activity requiring a license pursuant to this section; or
261 engage in any other activity requiring a license, permit, or
262 certificate issued pursuant to this chapter. Any person who is
263 convicted of violating this paragraph:

264 1. Upon a first or second conviction, is guilty of a
265 misdemeanor of the first degree, punishable as provided in s.
266 775.082 or s. 775.083.

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2. Upon a third or subsequent conviction, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Upon reinstatement of saltwater license privileges suspended pursuant to a violation of this subsection, a licensee owning or operating a vessel containing or otherwise transporting in or on Florida waters any gill net or other entangling net, or containing or otherwise transporting in nearshore and inshore Florida waters any net containing more than 500 square feet of mesh area shall remain restricted for a period of 12 months following reinstatement, to operating under the following conditions:

1. Vessels subject to this reinstatement period shall be restricted to the corridors established by commission rule.

2. A violation of the reinstatement period provisions shall be punishable pursuant to paragraphs ~~(2)(1)~~(a) and (b).

~~(5)(4)~~ ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING CERTAIN FINFISH.--It is a major violation pursuant to this section, punishable as provided in paragraph ~~(4)(3)~~(b), for any person to be in possession of any species of trout, snook, or redfish which is three fish in excess of the recreational or commercial daily bag limit.

Section 3. Paragraph (d) of subsection (5) of section 370.061, Florida Statutes, is amended to read:

370.061 Confiscation, seizure, and forfeiture of property and products.--

(5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS; PROCEDURE.--

(d) For purposes of confiscation under this subsection, the term "saltwater products" has the meaning set out in s. 370.01~~(27)(26)~~, except that the term does not include saltwater

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products harvested under the authority of a recreational license unless the amount of such harvested products exceeds three times the applicable recreational bag limit for trout, snook, or redbfish.

Section 4. Section 372.825, Florida Statutes, is created to read:

372.825 Captive wildlife penalties.--

(1) A person who violates any commission rules or orders for the non-fee permit for the possession of captive wildlife for personal use and related reporting requirements commits a noncriminal infraction.

(2) Any person cited for committing a violation of this section shall be cited to appear before the county court. The civil penalty is \$50.

(3) A person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any violation of the following:

(a) Commission rules or orders that require a person to pay a fee to obtain a permit to possess captive wildlife or that require the maintenance of records relating to captive wildlife.

(b) Commission rules or orders relating to captive wildlife not specified in paragraph (a).

(c) Provisions of s. 372.86, relating to possessing or exhibiting certain reptiles.

(d) Provisions of s. 372.87, relating to licensing of certain reptiles.

(e) Provisions of s. 372.88, relating to bonding requirements.

(f) Provisions of s. 372.89, relating to housing requirements.

(g) Provisions of s. 372.90, relating to transportation.

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(h) Provisions of s. 372.901, relating to inspection.

(i) Provisions of s. 372.91, relating to limitation of access to certain reptiles.

(j) Provisions of s. 372.912, relating to certain reptile hunts.

(k) Provisions of s. 372.921, relating to exhibition or sale of wildlife.

(l) Provisions of s. 372.922, relating to personal possession of wildlife.

Section 5. Subsections (2), (3), (6), and (8) of section 372.5717, Florida Statutes, are amended to read:

(2)(a) A person born on or after June 1, 1975, may not be issued a license to take wild animal life with the use of a firearm, gun, bow, or crossbow in this state without having first successfully completed a hunter safety course as provided in this section, and without having in his or her personal possession a hunter safety certification card, as provided in this section.

(b) The Fish and Wildlife Conservation Commission may defer the hunter safety course requirement for 1 year and issue a restricted hunting license. Individuals may receive only one deferment. Individuals issued a restricted hunting license shall only be permitted to take wild animal life with the use of a firearm, gun, bow, or crossbow under the direct supervision and in the physical presence of an adult who has successfully completed or is exempt from completing the required hunter safety course as provided in this section.

(3) The Fish and Wildlife Conservation Commission shall institute and coordinate a statewide hunter safety course which must be offered in every county and consist of not ~~less than 12~~ ~~hours nor~~ more than 16 hours of instruction including, but not

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limited to, instruction in the competent and safe handling of firearms, conservation, and hunting ethics.

(6) All persons subject to the requirements of subsection (2) must have in their personal possession, proof of compliance with this section, while taking or attempting to take wildlife with the use of a firearm, gun, bow, or crossbow and must display a valid hunter safety certification card, unless the hunter safety course requirement is deferred pursuant to this section, to county tax collectors or their subagents in order to purchase a Florida hunting license. After the issuance of a license, the license itself shall serve as proof of compliance with this section. A holder of a lifetime license whose license does not indicate on the face of the license that a hunter safety course has been completed must have in his or her personal possession a hunter safety certification card, as provided by this section, while attempting to take wild animal life with the use of a firearm, gun, bow, or crossbow.

(8) A person who violates this section shall be cited for a level 1 violation as classified in s. 372.83 noncriminal infraction, punishable as provided in that section s. 372.711.

Section 6. Section 372.83, Florida Statutes, is amended to read:

372.83 Recreational Noncriminal infractions; criminal penalties; suspension and revocation of licenses and permits.--

(1) LEVEL 1 VIOLATIONS.--

(a) Unless otherwise provided by law, a person convicted of an offense classified as a level 1 violation is guilty of a noncriminal infraction, which is punishable as provided in this subsection and includes violation of the following:

1. Commission rules or orders relating to the filing of required reports or other documents for licensees or

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391 permitholders, excluding those related to commercial harvest of
392 saltwater fish or possession of captive wildlife.

393 2. Commission rules or orders relating to quota hunting
394 permits, daily use permits, hunting zone assignments, check
395 stations, possession of alcoholic beverages, campsite use, and
396 the operation of vehicles within wildlife management areas or
397 other areas managed by the commission.

398 3. Commission rules or orders relating to daily permits,
399 possession of alcoholic beverages, possession of firearms,
400 swimming activities, the operation of watercraft, and the
401 operation of vehicles within fish management areas or other
402 areas managed by the commission.

403 4. Commission rules or orders regulating vessel size or
404 specifying motor restrictions on specified water bodies.

405 5. Provisions of s. 370.063, relating to special
406 recreational crawfish licenses.

407 6. Provisions of s. 372.57, relating to hunting, fishing,
408 and trapping licenses.

409 7. Provisions of s. 372.5717, relating to hunter safety
410 certification.

411 8. Provisions of s. 372.988, relating to required clothing
412 for persons hunting deer.

413 (b) Citations issued for any violation specified in
414 paragraph (a) shall include a requirement for appearance before
415 the county court.

416 (c)1. The civil penalty for any noncriminal level 1
417 violation of the license and permit requirements of s. 372.57 is
418 \$50 for the first conviction and \$250 for each subsequent
419 conviction in addition to the cost of the required license and
420 permit.

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21 2. The civil penalty for any other noncriminal level 1
422 violation is \$50 for the first conviction and \$250 for each
423 subsequent conviction, except as otherwise provided in this
424 subsection.

425 (d) Any person issued a citation for a violation specified
426 in this subsection may:

427 1. Post a bond equal to the amount of the civil penalty
428 and appear before the court; or

429 2. Pay the civil penalty by mail or in person within 30
430 days after the date of receiving the citation, or if a bond has
431 been posted, forfeit the bond for payment by failure to appear
432 before the court.

433
434 Payment of the civil penalty without appearing before the court
435 is considered an admission of guilt and waives any further right
36 to a hearing on the violation for which the citation was issued.
437 Such admission shall not be used as evidence in any other
438 proceedings except to determine the appropriate fine for any
439 subsequent violations.

440 (e)1. Any person who willfully refuses the issuance of a
441 citation for a violation specified in this subsection commits a
442 misdemeanor of the second degree, punishable as provided in s.
443 775.082 or s. 775.083.

444 2. Any person who willfully fails to pay the civil penalty
445 within 30 days after the issuance of a citation for a violation
446 specified in this subsection commits a misdemeanor of the second
447 degree, punishable as provided in s. 775.082 or s. 775.083.

448 (f)1. Electing or being required to appear before the
449 court shall waive the limitations on the civil penalty specified
450 in this subsection. The court shall determine whether a

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violation has occurred and may impose a civil penalty not less than those specified in this subsection and not more than \$500.

2. Violations must be proved beyond a reasonable doubt before the court.

3. A person found guilty of a violation may file an appeal with the circuit court.

(g) A person charged with violating the requirement for personal possession of a license or permit under s. 372.57 may not be convicted if the person presents the required license or permit for verification by the hearing officer or clerk of the court prior to the scheduled court proceeding. The license or permit must have been issued to the person charged with committing the violation and valid at the time the violation occurred. The clerk of the court may assess a fee of \$5 to cover related court costs under this paragraph.

(2) LEVEL 2 VIOLATIONS.--

(a) Unless otherwise provided by law, a person convicted of an offense classified as a level 2 violation is guilty of a misdemeanor, which is punishable as provided in this subsection and includes violation of the following:

1. Commission rules or orders that specify season or time periods for the taking of saltwater fish, freshwater game fish, or wildlife.

2. Commission rules or orders that establish bag, possession, or size limits for, or restrict methods of the taking of, saltwater fish, freshwater game fish, or wildlife.

3. Commission rules or orders that prohibit public access for specified periods to wildlife management areas or other areas managed by the commission.

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30 4. Commission rules or orders that relate to the access to
481 wildlife management areas or other areas managed by the
482 commission.

483 5. Commission rules or orders relating to the feeding of
484 saltwater fish, freshwater game fish, or wildlife.

485 6. Commission rules or orders relating to restricted
486 hunting areas, bird sanctuaries, or critical wildlife areas.

487 7. Commission rules or orders relating to landing
488 requirements for saltwater fish or freshwater game fish.

489 8. Commission rules or orders relating to tagging
490 requirements for game and fur-bearing animals.

491 9. Commission rules or orders relating to the use of dogs
492 for the taking of game.

493 10. Any commission rules or orders not otherwise
494 classified.

95 11. Any prohibitions in chapter 370 not otherwise
496 classified in this section.

497 12. Provisions of s. 370.08, relating to obstructing
498 waterways with net gear.

499 13. Provisions of s. 370.1105, relating to finfish traps.

500 14. Provisions of s. 370.1121, relating to bonefish.

501 15. Provisions of s. 370.14, relating to crawfish.

502 16. Provisions of s. 370.25, relating to placement of
503 artificial reefs.

504 17. Provisions of s. 372.667, relating to feeding or
505 enticement of alligators or crocodiles.

506 18. Provisions of s. 372.705, relating to harassment of
507 hunters, fishers, or trappers.

508 (b)1. A person convicted of any level 2 violation without
509 any previous conviction for a level 2 violation is guilty of a

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misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person convicted of any level 2 violation within 3 years after any previous conviction for a level 2 violation is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and by a minimum mandatory fine of \$250 and suspension of all recreational licenses issued pursuant to this chapter for not less than 1 year.

3. A person convicted of any level 2 violation within 5 years after any three previous convictions for level 2 violations is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and by a minimum mandatory fine of \$500 and suspension of all recreational licenses issued pursuant to this chapter for not less than 3 years.

4. A person convicted of any level 2 violation within 10 years after any three previous convictions for level 2 violations is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and by a minimum mandatory fine of \$750 and suspension of all recreational licenses issued pursuant to this chapter for not less than 3 years.

(3) LEVEL 3 VIOLATIONS.--

(a) Unless otherwise provided by law, a person convicted of an offense classified as a level 3 violation is guilty of a misdemeanor, which is punishable as provided in this subsection and includes violation of the following:

1. Commission rules or orders related to the prohibited sale of saltwater fish.

2. Provisions of s. 370.021(3), relating to major violations.

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3. Provisions of s. 370.021(5), relating to possession in excess of certain bag limits.

4. Provisions of s. 370.081, relating to illegal importation or possession of exotic marine plants and animals.

5. Provisions of s. 370.093, relating to the taking of saltwater fish with nets.

6. Provisions of s. 372.26, relating to imported fish.

7. Provisions of s. 372.57(17), relating to taking while license is suspended or revoked.

8. Provisions of s. 372.662, relating to the illegal sale or possession of alligators.

9. Provisions of s. 372.99, relating to the illegal taking and possession of deer and wild turkey.

10. Provisions of s. 372.9903, relating to the illegal possession and transportation of commercial quantities of freshwater game fish.

(b)1. A person convicted of a level 3 violation without any previous conviction for a level 3 violation in the past 10 years is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person convicted of a level 3 violation within 10 years after any previous conviction of a level 3 violation is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and by a minimum mandatory fine of \$750 and the suspension of all recreational licenses issued pursuant to this chapter for not less than 3 years.

3. The penalty for a violation of s. 372.57(17) shall include a mandatory fine of \$1,000 and a suspension of all recreational licenses issued pursuant to this chapter for 5 years.

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571 (4) LEVEL 4 VIOLATIONS.--Unless otherwise provided by law,
572 a person convicted of an offense classified as a level 4
573 violation is guilty of a felony of the third degree, which is
574 punishable as provided in s. 775.082 or s. 775.083 and includes
575 violation of the following:

576 (a) Provisions of s. 370.13, relating to the molestation
577 of stone crab gear.

578 (b) Provisions of s. 370.135, relating to the molestation
579 of blue crab gear.

580 (c) Provisions of s. 370.14, relating to the molestation
581 of crawfish gear.

582 (d) Provisions of s. 372.57(16), relating to forgery of a
583 license or possession of a forged license.

584 (e) Provisions of s. 372.99(5), relating to the sale of
585 deer or turkey that is taken illegally.

586 (f) Provisions of s. 372.99022, relating to molestation or
587 theft of freshwater gear.

588 ~~(1) A person is guilty of a noncriminal infraction,~~
589 ~~punishable as provided in s. 372.711, if she or he violates any~~
590 ~~of the following provisions:~~

591 ~~(a) Rules, regulations, or orders relating to the filing~~
592 ~~of reports or other documents required of persons who are~~
593 ~~licensed or who hold permits issued by the commission.~~

594 ~~(b) Rules, regulations, or orders relating to fish~~
595 ~~management areas.~~

596 ~~(c) Rules, regulations, or orders relating to quota hunt~~
597 ~~permits, daily use permits, hunting zone assignments, camping~~
598 ~~restrictions, the use of alcoholic beverages, vehicle use, and~~
599 ~~check station requirements within wildlife management areas or~~
600 ~~other areas managed by the commission.~~

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~~(d) Rules, regulations, or orders requiring permits free of charge to possess captive wildlife for personal use.~~

~~(e) Rules, regulations, or orders establishing size or slot limits for freshwater game fish.~~

~~(f) Rules, regulations, or orders regulating vessel size or specifying motor restrictions on specified water bodies.~~

~~(g) Rules, regulations, or orders relating to the registration of off-road vehicles and airboats operated on state lands.~~

~~(h) Section 372.57, relating to hunting, fishing, and trapping licenses.~~

~~(i) Section 372.988, relating to required clothing for persons hunting deer.~~

~~A person who fails to pay the civil penalty specified in s. 372.711 within 30 days after being cited for a noncriminal infraction or to appear before the court pursuant to that section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(2) A person is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if she or he violates any of the following rules, regulations, or orders of the commission:~~

~~(a) Rules, regulations, or orders that specify season or time periods for the taking of freshwater fish or wildlife.~~

~~(b) Rules, regulations, or orders that specify bag limits or restrict methods of taking freshwater fish or wildlife.~~

~~(c) Rules, regulations, or orders that relate to the sale, possession for sale, purchase, transfer, transportation, or importation of freshwater fish or wildlife.~~

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631 ~~(d) Rules, regulations, or orders that prohibit public~~
632 ~~access for specified periods to wildlife management areas or~~
633 ~~other areas managed by the commission.~~

634 ~~(e) Rules, regulations, or orders that require a person to~~
635 ~~pay a fee to obtain a permit to possess captive wildlife or that~~
636 ~~require the maintenance of records relating to captive wildlife.~~

637 ~~(f) All other rules, regulations, and orders of the~~
638 ~~commission, except those specified in subsection (1).~~

639 ~~(3) It is unlawful for any person to make, forge,~~
640 ~~counterfeit, or reproduce a freshwater fishing, hunting, or~~
641 ~~saltwater fishing license unless authorized by the commission.~~
642 ~~It is unlawful for any person to knowingly have in his or her~~
643 ~~possession a forgery, counterfeit, or imitation of such a~~
644 ~~license unless possession by the person has been fully~~
645 ~~authorized by the commission. A person who violates this~~
646 ~~subsection commits a felony of the third degree, punishable as~~
647 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

648 ~~(5)(4)~~ Unless otherwise provided in this chapter, a person
649 who violates any provision of this chapter is guilty, for the
650 first offense, of a misdemeanor of the second degree, punishable
651 as provided in s. 775.082 or s. 775.083, and is guilty, for the
652 second offense or any subsequent offense, of a misdemeanor of
653 the first degree, punishable as provided in s. 775.082 or s.
654 775.083.

655 ~~(6)(5)~~ The court may order the suspension or revocation of
656 any license or permit issued to a person pursuant to this
657 chapter, if that person commits a criminal offense specified in
658 this chapter or a noncriminal infraction specified in this
659 section.

660 (7) For purposes of this section, "conviction" means any
661 judicial disposition other than acquittal or dismissal.

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Section 7. Paragraphs (h), (i), and (j) of subsection (4), paragraphs (e) through (i) of subsection (8), paragraph (b) of subsection (11), and paragraph (b) of subsection (12) of section 372.57, Florida Statutes, are amended, and subsections (16) and (17) are added to that section, to read:

372.57 Recreational licenses, permits, and authorization numbers; fees established.--

(4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

(h) Annual sportsman's license, \$71 ~~\$66~~, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take game and freshwater fish, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a turkey permit, a Florida waterfowl permit, ~~and an archery season permit,~~ and a crossbow season permit.

(i) Annual gold sportsman's license, \$87 ~~\$82~~. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a crossbow season permit, a snook permit, and a crawfish permit.

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(j) Annual military gold sportsman's license, \$18.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a crossbow season permit, a snook permit, and a crawfish permit. Any resident who is an active or retired member of the United States Armed Forces, the United States Armed Forces Reserve, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve is eligible to purchase the military gold sportsman's license upon submission of a current military identification card.

(8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.--In addition to any license required under this chapter, the following permits and fees for specified hunting, fishing, and recreational uses and activities are required:

(e) A \$5 fee is imposed for the following permits:

1. An annual archery season permit for a resident or nonresident to hunt within the state during any archery season authorized by the commission.

2. An annual crossbow season permit for a resident or nonresident to hunt within the state during any crossbow season authorized by the commission.

3. An annual muzzle-loading gun season permit for a resident or nonresident to hunt within the state during any ~~with a muzzle-loading gun season is \$5. Hunting with a muzzle-loading gun is limited to game seasons in which hunting with a modern firearm is not~~ authorized by the commission.

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~~(f) An annual archery permit for a resident or nonresident to hunt within the state with a bow and arrow is \$5. Hunting with an archery permit is limited to those game seasons in which hunting with a firearm is not authorized by the commission.~~

(f)~~(g)~~ A special use permit for a resident or nonresident to participate in limited entry hunting or fishing activities as authorized by commission rule shall not exceed \$100 per day or \$250 per week. Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this permit fee. In addition to the permit fee, the commission may charge each special use permit applicant a nonrefundable application fee not to exceed \$10.

(g)~~(h)~~1. A management area permit for a resident or nonresident to hunt on, fish on, or otherwise use for outdoor recreational purposes land owned, leased, or managed by the commission, or by the state for the use and benefit of the commission, shall not exceed \$25 per year.

2. Permit fees for short-term use of land that is owned, leased, or managed by the commission may be established by rule of the commission for activities on such lands. Such permits may be in lieu of, or in addition to, the annual management area permit authorized in subparagraph 1.

3. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission has obtained the written consent of the owner or primary custodian of such lands.

(h)~~(i)~~1. A recreational user permit is required to hunt on, fish on, or otherwise use for outdoor recreational purposes land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlocknee River until

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754 the point the river meets the dam forming Lake Talquin, and
755 south of the closest federal highway. The fee for a recreational
756 user permit shall be based upon the economic compensation
757 desired by the landowner, game population levels, desired hunter
758 density, and administrative costs. The permit fee shall be set
759 by commission rule on a per-acre basis. The recreational user
760 permit fee, less administrative costs of up to \$25 per permit,
761 shall be remitted to the landowner as provided in the lease
762 agreement for each area.

763 2. One minor dependent, 16 years of age or younger, may
764 hunt under the supervision of the permittee and is exempt from
765 the recreational user permit requirements. The spouse and
766 dependent children of a permittee are exempt from the
767 recreational user permit requirements when engaged in outdoor
768 recreational activities other than hunting and when accompanied
769 by a permittee. Notwithstanding any other provision of this
770 chapter, no other exclusions, exceptions, or exemptions from the
771 recreational user permit fee are authorized.

772 (11) RESIDENT LIFETIME HUNTING LICENSES.--

773 (b) The following activities are authorized by the
774 purchase of a lifetime hunting license:

775 1. Taking, or attempting to take or possess, game
776 consistent with the state and federal laws and regulations and
777 rules of the commission in effect at the time of the taking.

778 2. All activities authorized by a muzzle-loading gun
779 season permit, a turkey permit, an archery season permit, a
780 crossbow season permit, a Florida waterfowl permit, and a
781 management area permit, excluding fishing.

782 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

783 (b) The following activities are authorized by the
784 purchase of a lifetime sportsman's license:

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1. Taking, or attempting to take or possess, freshwater and saltwater fish, and game, consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. All activities authorized by a management area permit, a muzzle-loading gun season permit, a turkey permit, an archery season permit, a crossbow season permit, a Florida waterfowl permit, a snook permit, and a crawfish permit.

(16) FORGING OF LICENSES.--It is unlawful for any person to make, forge, or counterfeit a freshwater fishing, hunting, or saltwater fishing license. Such a license may be reproduced only as authorized by the commission. It is unlawful for any person to knowingly have in his or her possession a forgery, counterfeit, or imitation of such a license unless possession by the person has been fully authorized by the commission. A person who violates this subsection commits a level 4 violation as classified in s. 372.83 and shall be punished as provided in s. 372.83.

(17) TAKING OF GAME AND FISH WHILE LICENSE SUSPENDED OR REVOKED.--No person shall take game, freshwater game fish, saltwater fish, or fur-bearing animals within this state while the license required to do so is suspended or revoked. A person who violates this subsection commits a level 3 violation as classified in s. 372.83 and shall be punished as provided in s. 372.83.

Section 8. Section 372.573, Florida Statutes, is amended to read:

372.573 Management area permit revenues.--The commission shall expend the revenue generated from the sale of the management area permit as provided for in s. 372.57(8)(g)~~(h)~~ or that pro rata portion of any license that includes management

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816 area privileges as provided for in s. 372.57(4)(h), (i), and (j)
817 for the lease, management, and protection of lands for public
818 hunting, fishing, and other outdoor recreation.

819 Section 9. Subsection (2) of section 372.661, Florida
820 Statutes, is amended to read:

821 372.661 Private hunting preserve license fees;
822 exception.--

823 (2) A commercial hunting preserve license, which shall
824 exempt patrons of licensed preserves from the license and permit
825 requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j);
826 (5)(f) and (g); (8)(a), (b), and (e), ~~and (f)~~; (9)(a)2.; (11);
827 and (12) while hunting on the licensed preserve property, shall
828 be \$500. Such commercial hunting preserve license shall be
829 available only to those private hunting preserves licensed
830 pursuant to this section which are operated exclusively for
831 commercial purposes, which are open to the public, and for which
832 a uniform fee is charged to patrons for hunting privileges.

833 Section 10. Section 372.831, Florida Statutes, is created
834 to read:

835 372.831 Wildlife Violators Compact.--The Wildlife
836 Violators Compact is created and entered into with all other
837 jurisdictions legally joining therein in the form substantially
838 as follows:

840 ARTICLE I

841 Findings

842
843 (1) The participating states find that:

844 (a) Wildlife resources are managed in trust by the
845 respective states for the benefit of all residents and visitors.

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46 (b) The protection of the wildlife resources of a state is
847 materially affected by the degree of compliance with state
848 statutes, laws, regulations, ordinances, and administrative
849 rules relating to the management of such resources.

850 (c) The preservation, protection, management, and
851 restoration of wildlife contributes immeasurably to the
852 aesthetic, recreational, and economic aspects of such natural
853 resources.

854 (d) Wildlife resources are valuable without regard to
855 political boundaries; therefore, every person should be required
856 to comply with wildlife preservation, protection, management,
857 and restoration laws, ordinances, and administrative rules and
858 regulations of the participating states as a condition precedent
859 to the continuance or issuance of any license to hunt, fish,
860 trap, or possess wildlife.

61 (e) Violation of wildlife laws interferes with the
862 management of wildlife resources and may endanger the safety of
863 persons and property.

864 (f) The mobility of many wildlife law violators
865 necessitates the maintenance of channels of communication among
866 the various states.

867 (g) In most instances, a person who is cited for a
868 wildlife violation in a state other than his or her home state:

869 1. Is required to post collateral or a bond to secure
870 appearance for a trial at a later date;

871 2. Is taken into custody until the collateral or bond is
872 posted; or

873 3. Is taken directly to court for an immediate appearance.

874 (h) The purpose of the enforcement practices set forth in
875 subsection (7) of this article is to ensure compliance with the
76 terms of a wildlife citation by the cited person who, if

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permitted to continue on his or her way after receiving the citation, could return to his or her home state and disregard his or her duty under the terms of the citation.

(i) In most instances, a person receiving a wildlife citation in his or her home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his or her way after agreeing or being instructed to comply with the terms of the citation.

(j) The practices described in paragraph (7) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine and thus is compelled to remain in custody until some alternative arrangement is made.

(k) The enforcement practices described in paragraph (7) of this article consume an undue amount of law enforcement time.

(2) It is the policy of the participating states to:

(a) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states.

(b) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in that person's home state.

(c) Allow a violator, except as provided in paragraph (b) of Article III, to accept a wildlife citation and, without delay, proceed on his or her way, regardless of whether he or she is a resident of the state in which the citation was issued, provided that the violator's home state is party to this compact.

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(d) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(e) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

(f) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(g) Maximize effective use of law enforcement personnel and information.

(h) Assist court systems in the efficient disposition of wildlife violations.

(3) The purpose of this compact is to:

(a) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) of this article in a uniform and orderly manner.

(b) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II

Definitions

As used in this compact, unless the context requires otherwise:

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937 (1) "Citation" means any summons, complaint, summons and
938 complaint, ticket, penalty assessment, or other official
939 document issued to a person by a wildlife officer or other peace
940 officer for a wildlife violation which contains an order
941 requiring the person to respond.

942 (2) "Collateral" means any cash or other security
943 deposited to secure an appearance for trial in connection with
944 the issuance by a wildlife officer or other peace officer of a
945 citation for a wildlife violation.

946 (3) "Compliance," with respect to a citation, means the
947 act of answering a citation through an appearance in a court or
948 tribunal or through the payment of fines, costs, and surcharges,
949 if any.

950 (4) "Conviction" means a conviction, including any court
951 conviction, for any offense related to the preservation,
952 protection, management, or restoration of wildlife which is
953 prohibited by state statute, law, regulation, ordinance, or
954 administrative rule, and such conviction shall also include the
955 forfeiture of any bail, bond, or other security deposited to
956 secure appearance by a person charged with having committed any
957 such offense, the payment of a penalty assessment, a plea of
958 nolo contendere, and the imposition of a deferred or suspended
959 sentence by the court.

960 (5) "Court" means a court of law, including magistrate's
961 court and the justice of the peace court.

962 (6) "Home state" means the state of primary residence of a
963 person.

964 (7) "Issuing state" means the participating state that
965 issues a wildlife citation to the violator.

966 (8) "License" means any license, permit, or other public
967 document that conveys to the person to whom it was issued the

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68 privilege of pursuing, possessing, or taking any wildlife
969 regulated by statute, law, regulation, ordinance, or
970 administrative rule of a participating state; however, when
971 applied to licenses issued by the State of Florida, only those
972 licenses issued pursuant to ss. 372.561, 372.562, and 372.57
973 shall be considered licenses.

974 (9) "Licensing authority" means the department or division
975 within each participating state that is authorized by law to
976 issue or approve licenses or permits to hunt, fish, trap, or
977 possess wildlife.

978 (10) "Participating state" means any state that enacts
979 legislation to become a member of this wildlife compact.

980 (11) "Personal recognizance" means an agreement by a
981 person made at the time of issuance of the wildlife citation
982 that such person will comply with the terms of the citation.

33 (12) "State" means any state, territory, or possession of
984 the United States, the District of Columbia, the Commonwealth of
985 Puerto Rico, the Provinces of Canada, and other countries.

986 (13) "Suspension" means any revocation, denial, or
987 withdrawal of any or all license privileges, including the
988 privilege to apply for, purchase, or exercise the benefits
989 conferred by any license.

990 (14) "Terms of the citation" means those conditions and
991 options expressly stated upon the citation.

992 (15) "Wildlife" means all species of animals, including,
993 but not limited to, mammals, birds, fish, reptiles, amphibians,
994 mollusks, and crustaceans, that are defined as "wildlife" and
995 are protected or otherwise regulated by statute, law,
996 regulation, ordinance, or administrative rule in a participating
997 state. Species included in the definition of "wildlife" vary
98 from state to state, and determination of whether a species is

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999 "wildlife" for the purposes of this compact shall be based on
1000 local law.

1001 (16) "Wildlife law" means any statute, law, regulation,
1002 ordinance, or administrative rule developed and enacted for the
1003 management of wildlife resources and the uses thereof.

1004 (17) "Wildlife officer" means any individual authorized by
1005 a participating state to issue a citation for a wildlife
1006 violation.

1007 (18) "Wildlife violation" means any cited violation of a
1008 statute, law, regulation, ordinance, or administrative rule
1009 developed and enacted for the management of wildlife resources
1010 and the uses thereof.

1011
1012 ARTICLE III

1013 Procedures for Issuing State
1014

1015 (1) When issuing a citation for a wildlife violation, a
1016 wildlife officer shall issue a citation to any person whose
1017 primary residence is in a participating state in the same manner
1018 as though the person were a resident of the issuing state and
1019 shall not require such person to post collateral to secure
1020 appearance, subject to the exceptions noted in paragraph (b) of
1021 this article, if the officer receives the recognizance of such
1022 person that he or she will comply with the terms of the
1023 citation.

1024 (2) Personal recognizance is acceptable if not prohibited
1025 by local law, by any issuing agency policy, procedure, or
1026 regulation, or by the compact manual and if the violator
1027 provides adequate proof of identification to the wildlife
1028 officer.

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29 (3) Upon conviction or failure of a person to comply with
1030 the terms of a wildlife citation, the appropriate official shall
1031 report the conviction or failure to comply to the licensing
1032 authority of the participating state in which the wildlife
1033 citation was issued. The report shall be made in accordance with
1034 procedures specified by the issuing state and shall contain
1035 information as specified in the compact manual as minimum
1036 requirements for effective processing by the home state.

1037 (4) Upon receipt of the report of conviction or
1038 noncompliance pursuant to subsection (3), the licensing
1039 authority of the issuing state shall transmit to the licensing
1040 authority of the home state of the violator the information in
1041 form and content as prescribed in the compact manual.

1042
1043 ARTICLE IV

44 Procedure for Home State

1045
1046 (1) Upon receipt of a report from the licensing authority
1047 of the issuing state reporting the failure of a violator to
1048 comply with the terms of a citation, the licensing authority of
1049 the home state shall notify the violator and shall initiate a
1050 suspension action in accordance with the home state's suspension
1051 procedures and shall suspend the violator's license privileges
1052 until satisfactory evidence of compliance with the terms of the
1053 wildlife citation has been furnished by the issuing state to the
1054 home state licensing authority. Due process safeguards will be
1055 accorded.

1056 (2) Upon receipt of a report of conviction from the
1057 licensing authority of the issuing state, the licensing
1058 authority of the home state shall enter such conviction in its
59 records and shall treat such conviction as though it occurred in

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1060 the home state for the purposes of the suspension of license
1061 privileges.

1062 (3) The licensing authority of the home state shall
1063 maintain a record of actions taken and shall make reports to
1064 issuing states as provided in the compact manual.

1066 ARTICLE V

1067 Reciprocal Recognition of Suspension

1068
1069 (1) All participating states shall recognize the
1070 suspension of license privileges of any person by any
1071 participating state as though the violation resulting in the
1072 suspension had occurred in their state and could have been the
1073 basis for suspension of license privileges in their state.

1074 (2) Each participating state shall communicate suspension
1075 information to other participating states in form and content as
1076 contained in the compact manual.

1078 ARTICLE VI

1079 Applicability of Other Laws

1080
1081 Except as expressly required by provisions of this compact,
1082 nothing herein shall be construed to affect the right of any
1083 participating state to apply any of its laws relating to license
1084 privileges to any person or circumstance or to invalidate or
1085 prevent any agreement or other cooperative arrangement between a
1086 participating state and a nonparticipating state concerning
1087 wildlife law enforcement.

1089 ARTICLE VII

1090 Compact Administrator Procedures

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91

1092 (1) For the purpose of administering the provisions of
1093 this compact and to serve as a governing body for the resolution
1094 of all matters relating to the operation of this compact, a
1095 board of compact administrators is established. The board shall
1096 be composed of one representative from each of the participating
1097 states to be known as the compact administrator. The compact
1098 administrator shall be appointed by the head of the licensing
1099 authority of each participating state and shall serve and be
1100 subject to removal in accordance with the laws of the state he
1101 or she represents. A compact administrator may provide for the
1102 discharge of his or her duties and the performance of his or her
1103 functions as a board member by an alternate. An alternate shall
1104 not be entitled to serve unless written notification of his or
1105 her identity has been given to the board.

06

1107 (2) Each member of the board of compact administrators
1108 shall be entitled to one vote. No action of the board shall be
1109 binding unless taken at a meeting at which a majority of the
1110 total number of the board's votes is cast in favor thereof.
1111 Action by the board shall be only at a meeting at which a
1112 majority of the participating states is represented.

1113 (3) The board shall elect annually from its membership a
1114 chair and vice chair.

1115 (4) The board shall adopt bylaws not inconsistent with the
1116 provisions of this compact or the laws of a participating state
1117 for the conduct of its business and shall have the power to
1118 amend and rescind its bylaws.

1119 (5) The board may accept for any of its purposes and
1120 functions under this compact any and all donations and grants of
21 moneys, equipment, supplies, materials, and services,
conditional or otherwise, from any state, the United States, or

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any governmental agency and may receive, utilize, and dispose of same.

(6) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation or any private nonprofit organization or institution.

(7) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIII

Entry into and Withdrawal from Compact

(1) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.

(2)(a) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chair of the board.

(b) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:

1. A citation of the authority from which the state is empowered to become a party to this compact.

2. An agreement of compliance with the terms and provisions of this compact.

3. An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(c) The effective date of entry shall be specified by the applying state but shall not be less than 60 days after notice

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53 has been given by the chair of the board of the compact
1154 administrators or by the secretary of the board to each
1155 participating state that the resolution from the applying state
1156 has been received.

1157 (3) A participating state may withdraw from participation
1158 in this compact by official written notice to each participating
1159 state, but withdrawal shall not become effective until 90 days
1160 after the notice of withdrawal is given. The notice shall be
1161 directed to the compact administrator of each member state. No
1162 withdrawal of any state shall affect the validity of this
1163 compact as to the remaining participating states.

1164
1165 ARTICLE IX

1166 Amendments to the Compact
1167

68 (1) This compact may be amended. Amendments shall be
1169 presented in resolution form to the chair of the board of
1170 compact administrators and shall be initiated by one or more
1171 participating states.

1172 (2) Adoption of an amendment shall require endorsement by
1173 all participating states and shall become effective 30 days
1174 after the date of the last endorsement.

1175 (3) Failure of a participating state to respond to the
1176 chair of the board within 60 days after receipt of a proposed
1177 amendment shall constitute endorsement thereof.

1178
1179 ARTICLE X

1180 Construction and Severability
1181

1182 This compact shall be liberally construed so as to effectuate
83 the purposes stated herein. The provisions of this compact shall

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1184 be severable, and if any phrase, clause, sentence, or provision
1185 of this compact is declared to be contrary to the constitution
1186 of any participating state or of the United States, or if the
1187 applicability thereof to any government, agency, individual, or
1188 circumstance is held invalid, the validity of the remainder of
1189 this compact shall not be affected thereby. If this compact is
1190 declared to be contrary to the constitution of any participating
1191 state, the compact shall remain in full force and effect as to
1192 the remaining states and in full force and effect as to the
1193 participating state affected as to all severable matters.

1195 ARTICLE XI

1196 Title

1198 This compact shall be known as the "Wildlife Violator Compact."

1199 Section 11. Section 372.832, Florida Statutes, is created
1200 to read:

1201 372.832 Compact licensing authority; ratification.--For
1202 purposes of this act and the interstate Wildlife Violator
1203 Compact, the Fish and Wildlife Conservation Commission is the
1204 licensing authority for the State of Florida and shall enforce
1205 the interstate Wildlife Violator Compact and do all things
1206 within its jurisdiction that are necessary to effectuate the
1207 purposes and the intent of the compact. The commission is
1208 authorized to execute a resolution of ratification to formalize
1209 the State of Florida's entry into the compact.

1210 Section 12. Section 372.833, Florida Statutes, is created
1211 to read:

1212 372.833 Compact enforcement; violation review.--Any act
1213 done or omitted pursuant to, or in enforcing, the provisions of
1214 the interstate Wildlife Violator Compact shall be subject to

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15 review by the commission in accordance with chapter 120, but any
1216 review of a suspension for the failure of a violator to comply
1217 with the terms of a citation or a conviction pursuant to the
1218 compact shall be limited to establishing the identity of the
1219 person so convicted or failing to comply with a citation.

1220 Section 13. Section 370.028, Florida Statutes, is amended
1221 to read:

1222 370.028 Enforcement of commission rules; penalties for
1223 violation of rule.--Rules of the Fish and Wildlife Conservation
1224 Commission shall be enforced by any law enforcement officer
1225 certified pursuant to s. 943.13. Any person who violates or
1226 otherwise fails to comply with any rule adopted by the
1227 commission shall be punished pursuant to s. 370.021(2)~~(1)~~.

1228 Section 14. Subsections (3) and (4) of section 370.092,
1229 Florida Statutes, are amended to read:

30 370.092 Carriage of proscribed nets across Florida
1231 waters.--

1232 (3) Notwithstanding subsections (1) and (2), unless
1233 authorized by rule of the Fish and Wildlife Conservation
1234 Commission, it is a major violation under this section,
1235 punishable as provided in s. 370.021(4)~~(3)~~, for any person,
1236 firm, or corporation to possess any gill or entangling net, or
1237 any seine net larger than 500 square feet in mesh area, on any
1238 airboat or on any other vessel less than 22 feet in length and
1239 on any vessel less than 25 feet if primary power of the vessel
1240 is mounted forward of the vessel center point. Gill or
1241 entangling nets shall be as defined in s. 16, Art. X of the
1242 State Constitution, s. 370.093(2)(b), or in a rule of the Fish
1243 and Wildlife Conservation Commission implementing s. 16, Art. X
1244 of the State Constitution. Vessel length shall be determined in
45 accordance with current United States Coast Guard regulations

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specified in the Code of Federal Regulations or as titled by the State of Florida. The Marine Fisheries Commission is directed to initiate by July 1, 1998, rulemaking to adjust by rule the use of gear on vessels longer than 22 feet where the primary power of the vessel is mounted forward of the vessel center point in order to prevent the illegal use of gill and entangling nets in state waters and to provide reasonable opportunities for the use of legal net gear in adjacent federal waters.

(4) The Fish and Wildlife Conservation Commission shall adopt rules to prohibit the possession and sale of mullet taken in illegal gill or entangling nets. Violations of such rules shall be punishable as provided in s. 370.021~~(4)~~~~(3)~~.

Section 15. Subsection (5) of section 370.093, Florida Statutes, is amended to read:

370.093 Illegal use of nets.--

(5) Any person who violates this section shall be punished as provided in s. 370.021~~(4)~~~~(3)~~.

Section 16. Paragraph (s) of subsection (2) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.--

(2) PROTECTION OF MANATEES OR SEA COWS.--

(s) Except as otherwise provided in this paragraph, any person violating the provisions of this subsection or any rule or ordinance adopted pursuant to this subsection commits a misdemeanor, punishable as provided in s. 370.021~~(2)~~~~(1)~~(a) or (b).

1. Any person operating a vessel in excess of a posted speed limit shall be guilty of a civil infraction, punishable as provided in s. 327.73, except as provided in subparagraph 2.

2. This paragraph does not apply to persons violating restrictions governing "No Entry" zones or "Motorboat

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Prohibited" zones, who, if convicted, shall be guilty of a misdemeanor, punishable as provided in s. 370.021(2)(~~1~~)(a) or (b), or, if such violation demonstrates blatant or willful action, may be found guilty of harassment as described in paragraph (d).

3. A person may engage in any activity otherwise prohibited by this subsection or any rule or ordinance adopted pursuant to this subsection if the activity is reasonably necessary in order to prevent the loss of human life or a vessel in distress due to weather conditions or other reasonably unforeseen circumstances, or in order to render emergency assistance to persons or a vessel in distress.

Section 17. Subsection (2) of section 370.1405, Florida Statutes, is amended to read:

370.1405 Crawfish reports by dealers during closed season required.--

(2) Failure to submit a report as described in subsection (1) or reporting a greater or lesser amount of whole crawfish, crawfish tails, or crawfish meat than is actually in the dealer's possession or name is a major violation of this chapter, punishable as provided in s. 370.021(2)(~~1~~), s. 370.07(6)(b), or both. The commission shall seize the entire supply of unreported or falsely reported whole crawfish, crawfish tails, or crawfish meat, and shall carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire quantity of unreported or falsely reported crawfish as determined by the judge. After posting the cash bond, the dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall

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be declared a nuisance and disposed of by the commission according to law.

Section 18. Paragraph (c) of subsection (2) of section 370.142, Florida Statutes, is amended to read:

370.142 Spiny lobster trap certificate program.--

(2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES; PENALTIES.--The Fish and Wildlife Conservation Commission shall establish a trap certificate program for the spiny lobster fishery of this state and shall be responsible for its administration and enforcement as follows:

(c) Prohibitions; penalties.--

1. It is unlawful for a person to possess or use a spiny lobster trap in or on state waters or adjacent federal waters without having affixed thereto the trap tag required by this section. It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of spiny lobster by trapping that is not a trap as defined in rule 68B-24.006(2), Florida Administrative Code.

2. It is unlawful for a person to possess or use spiny lobster trap tags without having the necessary number of certificates on record as required by this section.

3. It is unlawful for any person to willfully molest, take possession of, or remove the contents of another harvester's trap without the express written consent of the trap owner available for immediate inspection. Unauthorized possession of another's trap gear or removal of trap contents constitutes theft. Any person receiving a judicial disposition other than dismissal or acquittal on a charge of theft of or from a trap pursuant to this subparagraph or s. 370.1107 shall, in addition to the penalties specified in ss. 370.021 and 370.14 and the provisions of this section, permanently lose all his or her

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38 saltwater fishing privileges, including his or her saltwater
1339 products license, crawfish endorsement, and all trap
1340 certificates allotted to him or her through this program. In
1341 such cases, trap certificates and endorsements are
1342 nontransferable. Any person receiving a judicial disposition
1343 other than dismissal or acquittal on a charge of willful
1344 molestation of a trap, in addition to the penalties specified in
1345 ss. 370.021 and 370.14, shall lose all saltwater fishing
1346 privileges for a period of 24 calendar months. In addition, any
1347 person, firm, or corporation charged with violating this
1348 paragraph and receiving a judicial disposition other than
1349 dismissal or acquittal for violating this subparagraph or s.
1350 370.1107 shall also be assessed an administrative penalty of up
1351 to \$5,000. Immediately upon receiving a citation for a violation
1352 involving theft of or from a trap, or molestation of a trap, and
53 until adjudicated for such a violation or, upon receipt of a
1354 judicial disposition other than dismissal or acquittal of such a
1355 violation, the person, firm, or corporation committing the
1356 violation is prohibited from transferring any crawfish trap
1357 certificates and endorsements.

1358 4. In addition to any other penalties provided in s.
1359 370.021, a commercial harvester, as defined by rule 68B-
1360 24.002(1), Florida Administrative Code, who violates the
1361 provisions of this section, or the provisions relating to traps
1362 of chapter 68B-24, Florida Administrative Code, shall be
1363 punished as follows:

1364 a. If the first violation is for violation of subparagraph
1365 1. or subparagraph 2., the commission shall assess an additional
1366 civil penalty of up to \$1,000 and the crawfish trap number
1367 issued pursuant to s. 370.14(2) or (6) may be suspended for the
68 remainder of the current license year. For all other first

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violations, the commission shall assess an additional civil penalty of up to \$500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the commission shall assess an additional civil penalty of up to \$2,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1., subparagraph 2., or subparagraph 3. which occurs within 36 months of any previous two such violations, the commission shall assess an additional civil penalty of up to \$5,000 and may suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) for a period of up to 24 months or may revoke the crawfish trap number and, if revoking the crawfish trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(3)(2)(h).

d. Any person assessed an additional civil penalty pursuant to this section shall within 30 calendar days after notification:

(I) Pay the civil penalty to the commission; or

(II) Request an administrative hearing pursuant to the provisions of s. 120.60.

e. The commission shall suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) for any person failing to comply with the provisions of sub-subparagraph d.

5.a. It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a spiny lobster trap tag or certificate.

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99 b. It is unlawful for any person to knowingly have in his
1400 or her possession a forged, counterfeit, or imitation spiny
1401 lobster trap tag or certificate.

1402 c. It is unlawful for any person to barter, trade, sell,
1403 supply, agree to supply, aid in supplying, or give away a spiny
1404 lobster trap tag or certificate or to conspire to barter, trade,
1405 sell, supply, aid in supplying, or give away a spiny lobster
1406 trap tag or certificate unless such action is duly authorized by
1407 the commission as provided in this chapter or in the rules of
1408 the commission.

1409 6.a. Any person who violates the provisions of
1410 subparagraph 5., or any person who engages in the commercial
1411 harvest, trapping, or possession of spiny lobster without a
1412 crawfish trap number as required by s. 370.14(2) or (6) or
1413 during any period while such crawfish trap number is under
14 suspension or revocation, commits a felony of the third degree,
1415 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1416 b. In addition to any penalty imposed pursuant to sub-
1417 subparagraph a., the commission shall levy a fine of up to twice
1418 the amount of the appropriate surcharge to be paid on the fair
1419 market value of the transferred certificates, as provided in
1420 subparagraph (a)1., on any person who violates the provisions of
1421 sub-subparagraph 5.c.

1422 7. Any certificates for which the annual certificate fee
1423 is not paid for a period of 3 years shall be considered
1424 abandoned and shall revert to the commission. During any period
1425 of trap reduction, any certificates reverting to the commission
1426 shall become permanently unavailable and be considered in that
1427 amount to be reduced during the next license-year period.
1428 Otherwise, any certificates that revert to the commission are to
29 be reallocated in such manner as provided by the commission.

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8. The proceeds of all civil penalties collected pursuant to subparagraph 4. and all fines collected pursuant to subparagraph 6.b. shall be deposited into the Marine Resources Conservation Trust Fund.

9. All traps shall be removed from the water during any period of suspension or revocation.

Section 19. This act shall take effect January 1, 2007.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to fish and wildlife; amending s. 370.01, F.S.; defining "commercial harvest"; amending s. 370.021, F.S.; revising penalties for violations related to commercial harvest; correcting cross-references; amending s. 370.061, F.S.; correcting a cross-reference; creating s. 372.825, F.S.; establishing penalties for violations related to the possession of captive wildlife; amending s. 372.57, F.S.; specifying seasonal recreational activities; establishing fees for certain annual licenses; providing penalties for the production, possession, and use of fraudulent fishing and hunting licenses; providing penalties for the taking of game and fish with a suspended or revoked license; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety course requirement for a specified time period and issue a restricted hunting license; limiting the number of deferrals an individual is allowed; permitting hunting with a restricted license under certain circumstances; deleting the mandatory minimum number of instructional hours for the required

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61 hunter safety course; providing exemptions for the display
1462 of hunter safety certification; revising the penalties for
1463 violations related to hunter safety course requirements;
1464 amending s. 372.83, F.S.; revising the penalties for
1465 violations of Fish and Wildlife Conservation Commission
1466 rules and orders relating to recreational activities;
1467 defining "conviction"; amending ss. 372.573 and 372.661,
1468 F.S.; correcting cross-references; creating s. 372.831,
1469 F.S.; creating the Wildlife Violators Compact; providing
1470 findings and intent; providing definitions; providing
1471 requirements and procedures for issuance of violation
1472 citations; providing for reciprocal recognition of certain
1473 license suspension related to fish and wildlife
1474 activities; providing for applicability of laws; providing
1475 procedures for compact administration; establishing a
76 board of compact administrators; providing requirements
1477 and procedures with respect thereto; providing for compact
1478 entry, withdrawal, ratification, and amendment; providing
1479 for compact construction and severability; creating s.
1480 372.832, F.S.; providing for compact licensing authority;
1481 creating s. 372.833, F.S.; providing for compact
1482 enforcement and violation review; amending ss. 370.028,
1483 370.092, 370.093, 370.12, 370.1405, and 370.142, F.S.;
1484 correcting cross-references; providing an effective date.

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1490 ===== T I T L E A M E N D M E N T =====

91 Remove line(s) and insert:

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